

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 8806 of 2014

CRIME NO.656/2014 OF VELLIKULNGARA POLICE STATION

PETITIONER(S)/ACCUSED :

**ASHOK KUMAR, AGED 50 YEARS,
S/O.RAMAN, C-234, GALI NO.12,
NEW USMANPUR, DELHI.**

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT(S)/COMPLAINANT:

**THE SUB INSPECTOR OF POLICE,
VELLIKULANGARA, THRISSUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A. No. 8806 of 2014

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Dated this the 2nd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is alleged to have committed the offence under section 67(A) of the Information Technology Act, 2000. The prosecution case is that he sent to the sister of the first informant an obscene photograph of hers through electronic media.

3. Heard.

4. It is not in dispute that the petitioner sent the obscene photograph to the first informant's sister. But, the version of the petitioner is that he came across such a photograph and informed the girl about it and she wanted him to send it to her. So, with good intention at her request he sent it to her and he did not commit any offence. In support of his version, he relies on Annexure - 2 conversation (chatting) between himself and the first informant's sister. It reveals that it was at her request the photograph was sent to her. The probability of the defence version being true cannot be ruled out. So, I am inclined to grant the prayer of the petitioner.

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In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

4) He shall not get himself involved in any other criminal cases.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

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P.A. To Judge