

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

TUESDAY, THE 6TH DAY OF MAY 2025 / 16TH VAISAKHA, 1947

BAIL APPL. NO. 6174 OF 2025

PETITIONER/S:

SANTHOSH VARKEY@ ARATTANNAN
AGED 38 YEARS

BY ADV ALEX K. JOHN

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
PIN- 682 0031

SRI E C BINEESH, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06.05.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.B.SNEHALATHA., J**B.A.No.6174 of 2025****Dated this the 06th day of May, 2025****ORDER**

This Bail Application is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. The petitioner is the accused in Crime No.160/2025 of Ernakulam North Police Station, Ernakulam. The above case is registered against petitioner alleging offences punishable under Sections 75(1)(iv), 75(3) and 79 of the Bharatiya Nyaya Sanhita (BNS), 2023. Section 67 of the Information Technology Act, 2000 and Section 120(o) of the Kerala Police Act, 2011.

3. The prosecution case is that, on 20.04.2025, the petitioner made a facebook post stating that " All the ladies in the Cinema Industry are prostitutes". The crime was registered based on a complaint made by the defacto complainant, who is an actress.

4. Heard the counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner/accused submitted that even if the entire allegation against the accused are true, the Section of offences levelled against the accused will not lie. It was further submitted that accused is in judicial custody from 20.04.2025 and his further detention is not necessitated.

6. The learned Public Prosecutor opposed the bail application on the ground that the investigation is in the initial stage; that if he is released on bail, he will again involve in similar offences. The learned Public Prosecutor also submitted that if accused is granted bail he may free from justice.

7. The materials produced by the prosecution would, *prima facie* show that accused made disparaging and defamatory statement against woman in the film industry in his facebook post as alleged by the prosecution.

8. Making disparaging statement about woman on social media is a form of online harassment and it constitute defamation and it is an insult to the modesty of a woman. Publishing or transmitting obscene material in electronic form is an offence under the Information Technology Act. Despite the penal laws these infractions continue to rise. Accused is in judicial custody from 25.04.2025. Regard being had period of detention undergone and the progress made in the investigation, this Court is of the view that, grant of bail will not cause any impediment in the process of investigation and a fair and full probe can be well ensured by granting bail to the petitioner by imposing necessary conditions. Accordingly, Bail is granted to the petitioner on the following conditions:-

1. The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like- sum to the satisfaction of this Court.

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2. The petitioner shall appear before the Investigating Officer on every Saturday in between 10 a.m and 12 noon for a period of three months or till final report is filed whichever is earlier.

3. The petitioner shall not influence or intimidate the prosecution witnesses.

4. Petitioner shall not involve in any offence of similar nature while on bail.

5. Immediately on release he shall delete all the offensive messages and refrain from making any vituperative or disparaging comments against women in any of the social media platform.

It is made clear that violation of any of the condition stipulated above will result in the cancellation of bail.

Sd/-

M.B.SNEHALATHA
JUDGE