NC: 2025:KHC:2428
CRL.P No. 13714 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13714 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

SMT. NAGAMMA W/O MANINAIKA,
AGED ABOUT 34 YEARS,
R/O. HANGALA VILLAGE,
GUNDLUPETE TALUK,
CHAMARAJANAGAR DISTRICT-571126.

...PETITIONER

(BY SRI SUDHARSHAN L., ADVOCATE)

AND:

STATE BY GUNDLUPETE POLICE STATION,
REP. BY SPP, HIGH COURT,
BENGALURU-560001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.219/2024 ON THE FILE OF THE GUNDLUPETE POLICE STATION AND PENDING ON THE FILE OF THE CJ AND JMFC COURT AT GUNDLUPETE FOR THE OFFENCE PUNISHABLE UNDER SECTION 74, 75(1), 75(2), 76, 77, 115(2), 351(2), 352(2) R/W SEC.3(5) OF BNS ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.2 in Crime No.219/2024 registered by Gundlupete Police Station, Chamarajanagar, for the offences punishable under Sections 74, 51(1), 75(2), 76, 77, 115(2), 35192), 352 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023'), is before this Court under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 (for short 'BNSS, 2023'), seeking regular bail.

2. Head the learned counsel for the parties.

3. FIR in Crime No.219/2024 was registered by the Gundlupete Police Station, Chamarajanagar district, against Sri. Chetan and the petitioner herein for the aforesaid offences on the basis of the information dated 03.10.2024 received from the victim-lady aged about 30 years. During the course of investigation, the petitioner was arrested on 03.10.2024. Her bail application filed before the jurisdictional Sessions Court in Criminal Misc. No.435/2024 was rejected on 13.11.2024. Therefore, she is before this Court.

4. A perusal of the material on record would go to show that, the allegation in the first information is that, the accused No.1 on 02.10.2024 at about 11.00 a.m., when the first informant was taking bath allegedly recorded her video and thereafter caught hold of her when she came out of the bath room and tried to kiss her and outraged her modesty by pulling her clothes. On the same day, the petitioner herein who is the Aunt of accused No.1 had gone to the house of the first informant and allegedly had criminally intimidated her. Accused No.1 has been granted regular bail by this Court in Criminal Petition No.12525/2024. The petitioner is a lady aged about 34 years. Considering the fact that the accused No.1 has been already granted regular bail by this Court in Criminal Petition No.12525/2024, I am of the opinion that the prayer made in the petition needs to answered affirmatively. Accordingly, the following order :

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.219/2024 of Gundlupete Police Station,

Chamarajanagar district, registered for the offences punishable under Sections 74, 51(1), 75(2), 76, 77, 115(2), 35192), 352 read with Section 3(5) of BNS, 2023, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against her is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 19 Sl No.: 10
CT:PK