NC: 2025:KHC:4476
CRL.P No. 14032 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14032 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

SRI GOPALARAJ K. V. @ GOPI,
S/O. LATE VAJRAPPA,
AGED ABOUT 23 YEARS,
R/ AT KATTALEPALYA VILLAGE,
BIDADI HOBLI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT.

PERMANENT ADDRESS
VADERAHALLI VILLAGE,
KENGERI HOBLI,
BANGALORE SOUTH TALUK,
BANGALORE-562 109.

...PETITIONER

(BY SRI NANJUNDA SWAMY., ADVOCATE)

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
BY BIDADI POLICE STATION,
RAMANAGARA DISTRICT,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.

...RESPONDENT

(BY SRI M.R. PATIL, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO GRANT HIM BAIL TO THE PETITIONER IN CR.NO.258/2024 BIDADI POLICE STATION IN CC.NO.74/2024, PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (SR.DN) AND CJM COURT, RAMANAGARA DISTRICT.

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.1 in Crime No.258/2024 registered by Bidadi Police Station, Ramanagara for offences punishable under Section 376, 354(c), 109 r/w Section 34 of IPC and Section 66E of the Information Technology Act, is before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.258/2024 registered by Bidadi Police Station, Ramanagara initially for offences punishable under Section 376, 109 r/w 34 of IPC against petitioner herein and two others on the basis of first information dated 15.07.2024 received from the victim girl who was

aged about 19 years. During the course of investigation, the petitioner was arrested on 15.07.2024 and subsequently remanded to judicial custody.

4. Investigation of the case was completed and the charge sheet was filed against 3 persons and petitioner is arrayed as accused No.1 in the charge sheet. Bail application filed by the petitioner before the jurisdictional Sessions court in Crl.Misc.No.929/2024 was rejected on 27.11.2024. Therefore, he is before this Court.

5. Learned counsel for the petitioner submits that petitioner is a youngster aged about 23 years having no criminal antecedent. Victim girl aged about 19 years has submitted the first information after lapse of more than 15 days from the alleged date of incident. He submits that material on record would go to show that, petitioner and the victim girl had consensual sex and only after the relatives of the victim girl came to know about the relationship between the parties, she had approached the

police. Investigation of the case is completed. Accordingly, he prays to allow the petition.

6. Per contra, learned High Court Government Pleader has opposed the petition. He submits that, victim girl has made serious allegation against the petitioner and even in her statement recorded under Section 164 of Cr.P.C, she has reiterated the allegations. In the event petitioner is enlarged on bail, he is likely to tamper with the prosecution witness, accordingly he prays to dismiss the petition.

7. Material on record would go to show that the petitioner and the victim girl are acquainted to each other and in the first information, it is averred that about 17 to 18 days prior to the first informant approaching the police, Chandrashekar who is minor son of her neighbourer late Srinivas came to her house and asked her to come to his house for the purpose of preparing ragi balls. Thereafter, she allegedly went to the house of Chandrashekar. Petitioner who was inside the said house held her and had

forcible sexual intercourse with her against her wishes. Thereafter, he asked Chandrashekar to click their photographs in his mobile and threatened the victim girl that in the event she discloses the incident to anybody, he would be circulating the photographs.

8. First information was submitted after a period of 17 to 18 days from the date of alleged incident and no proper explanation is offered for the inordinate delay in approaching the police.

9. From a perusal of the photographs of the petitioner and the victim girl which is a part of the charge sheet, it appears that though they had consensual relationship. It appears that only after the same came to the knowledge of the parents of the victim, she had approached the police.

10. Petitioner aged about 23 years having no other criminal antecedent is in custody from 15.07.2024.

Investigation of the case is completed and the charge sheet has been filed.

11. Under the circumstances, I am of the opinion his prayer for grant of regular bail needs to be answered affirmatively. Accordingly, I proceed to pass the following:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.258/2024 registered by Bidadi Police Station, Ramanagara for offences punishable under Section 376, 354(c), 109 r/w Section 34 of IPC and Section 66E of the Information Technology Act, 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 him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DHA
List No.: 19 Sl No.: 11
CT:PK