NC: 2025:KHC:6983
CRL.P No. 14197 of 2024

IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 17TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.14197 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

THANNIRU LAKSHMAIAH @ LAKSHMAN
S/O THANNIRU CHINNAPPA,
AGED: 29 YEARS, R/AT NO. 1/150,
CHECK POST STREET, NEAR BUS STOP,
MEHAMEDAM TOWN, CHITOOR,
ANDHRA PRADESH-517 129,

ALSO R/AT.
VENKATESHWARA VEGETABLE NURSERY,
NEAR SAI BABA TEMPLE,
PYPALLI TOWN, CHITOOR,
ANDHRA PRADESH-517 129.

...PETITIONER

(BY SRI MANJUNATH B.R., ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE BY IMANGALA POLICE,
   CHITRADURGA,
   REPRESENTED BY STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BANGALORE-560 001.

2. XXX

...RESPONDENTS

(BY SRI M.R. PATIL, HCGP FOR R1;
V/O DATED 13.02.2025 NOTICE TO R2 HELD SUFFICIENT)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.56/2023 NOW IN SPL.C (POCSO) NO.77/2023 OF IMANGALA POLICE STATION REGISTERED FOR THE OFFENCE P/U/S 366, 376(2)(n) OF IPC AND SEC.4 AND 6 OF POCSO ACT AND SEC.9 OF PROHIBITION OF CHILD MARRIAGE ACT AND SEC.3(2)(5) OF SC/ST (PREVENTION OF ATROCITIES) ACT PENDING ON THE FILE OF THE COURT OF THE SPL.II ADDL. DISTRICT AND SESSIONS JUDGE AT CHITRADURGA.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in Special Case (POCSO) No.77/2023 arising out of Crime No.56/2023 registered by Imangala Police Station, Chitradurga, for the offences punishable under Sections 366 and 376(2)(n) of IPC, Section 4 and 6 of POSCO Act, Section 9 of Prohibition of Child Marriage Act and Section 3(2)(5) of SC/ST (POA) Act, pending before the Court of Special II Additional District and Sessions Judge, Chitradurga, is before this Court under Section 439 of Cr.P.C. seeking regular bail.

2. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1.

Respondent No.2, who is served in the matter, has remained unrepresented.

3. FIR in Crime No.56/2023 was registered by Imangala Police Station, Chitradurga initially for the offence punishable under Section 363 of IPC on the basis of the first information dated 04.04.2023 received from respondent No.2, who is the mother of the victim girls. During the course of investigation, the victim girls were traced along with accused Nos.1 and 2 in Andhra Pradesh State and they were brought back to their village. Petitioner, who is arrayed as accused No.1 in the case was arrested and produced before the jurisdictional Court on 27.04.2023 and remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed against the petitioner and another. The bail application filed by the petitioner before the jurisdictional Trial Court in Special Case (POCSO) No.77/2023 was rejected on 09.12.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that allegation against the petitioner/accused No.1 and accused No.2 are similar. Accused No.2 has been granted regular bail in Criminal Petition No.9428/2024. The petitioner has no other

criminal antecedents and accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader for respondent No.1 does not dispute the submission made by learned counsel for the petitioner.

6. First information dated 04.04.2023 was submitted by the mother of the victim girls, who are twins, after they were found missing from their house on 01.04.2023. In the first information itself, it is stated that earlier the victim girls had left the house on 09.03.2023 and subsequently, the Police had traced them and thereafter they were staying in children's home at Chitradurga. Subsequently, since they were required to appear for examination they were allowed to stay in the house of the father-in-law of the first informant. It appears that victims were found missing thereafter from the house of the father-in-law of the first informant on 01.04.2023. The efforts made by the first informant and her relatives to trace the victim girls had failed and therefore, belatedly she had approached the Police on 04.04.2023.

7. Accused No.2 as against whom similar allegation is found in the charge sheet has been already granted regular bail by this Court in Criminal Petition No.9428/2024. The petitioner is aged about 29 years and he has no other criminal antecedents. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail is required to be answered affirmatively. Accordingly, following order is passed:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Special Case (POSCO) No.77/2023 arising out of Crime No.56/2023 of Imangala Police Station, Chitradurga, registered for the offences punishable under Sections 366 and 376(2)(n) of IPC, Section 4 and 6 of POSCO Act, Section 9 of Prohibition of Child Marriage Act and Section 3(2)(5) of SC/ST (POA) Act, pending on the file of learned Special II Additional District and Sessions Judge, Chitradurga, subject to the following conditions:

a) 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) 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) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioner shall not involve in similar offences in future;

e) 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

SRT
List No.: 19 Sl No.: 12
CT:PK