IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200038 OF 2025

(439(Cr.PC)/483(BNSS))

BETWEEN:

CHIDANAND S/O DURGAPPA KATTIMANI
AGE 19 YEARS, OCC: STUDENT
R/O AMBEDKAR NAGAR, NALATAWAD
TQ. MUDDEBIHAL, DIST: VIJAYAPUR-586212

…PETITIONER

(BY SRI SHIVASHARANA REDDY, ADVOCATE)

AND:

1.THE STATE OF KARNATAKA
THROUGH MUDDEBIHAL POLICE STATION
(REPT. BY ADDL. SSP, HIGH COURT OF
KARNATAKA AT KALABURAGI BENCH-585105

2. XXX

…RESPONDENT

(BY SMT. MAYA T. R., HCGP FOR R1;
R2 SERVED)

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

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND PETITIONER BE ENLARGED ON REGULAR BAIL IN THE CRIME NO.282/2024 OF RESPONDENT MUDDEBIHAL POLICE STATION FOR OFFENCES U/SEC. 189(2), 191(1), 115(2), 352, 351(2),

R/W 190 OF BNS-2023 AND U/S 12 OF POCSO ACT, PENDING ON THE FILE OF ADDL. SESSIONS JUDGE FTSC-1 POCSO COURT VIJAYAPUR DIST. IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

Accused No.2 in Crime No.282/2024, registered by Muddebihal Police Station, Vijayapur, for the offences punishable under Sections 189(2), 191(1), 115(2), 352, 351(2) read with Section 190 of BNS, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, is before this Court under Section 483 of BNSS, 2023, 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 before this Court.

3. FIR in Crime No.282/2024 was registered by Muddebihal Police Station, Vijayapur for the aforesaid offences against Sangamesh and others on the basis of the first information dated 27.11.2024, received from the victim girl. During the course of investigation of the case, the petitioner herein was arrested on 01.12.2024. The bail application filed by the petitioner before the jurisdictional Sessions Court in Crl.Misc.No.1831/2024 was rejected on 13.12.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that accused Nos.1 and 3 have been granted regular bail by the Trial Court subsequent to dismissal of the bail application filed by the petitioner. The allegations against the petitioner and other accused persons are similar. The petitioner has no other criminal antecedents. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader, who has opposed the petition, does not dispute

the submission made by learned counsel for the petitioner.

6. Perusal of the first information dated 27.11.2024 submitted by the victim girl, which had resulted in registration of FIR in the present case would reveal that the petitioner and another along with accused No.1 were harassing the victim girl. The victim girl has made serious allegations as against accused No.1 and other two accused persons were allegedly found along with accused No.1. Accused No.1 has been granted regular bail by the jurisdictional Sessions Court in Crl.Misc.No.1905/2024. The petitioner, who is aged about 19 years, is in custody from 01.12.2024. Major portion of the investigation is completed. The alleged offences are neither punishable with death or with life imprisonment.

7. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, following order is passed:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.282/2024 of Muddebihal Police Station, Vijayapur, registered for the offences punishable under Sections 189(2), 191(1), 115(2), 352, 351(2) read with Section 190 of BNS, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, pending on the file of learned Additional Sessions Judge and FTSC-I (POCSO), Vijayapur, 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.: 1 Sl No.: 16