IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 28TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200056 OF 2025

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

BETWEEN:

GURUNATH S/O MANIK RATHOD,
AGE: 38 YEARS, OCC: POLICE CONSTABLE,
R/O. TILAK NAGAR, KUSNOOR ROAD,
KALABURAGI-585105.

...PETITIONER

(BY SRI AVINASH A. UPLAONKAR AND
SRI RAVI K. ANOOR, ADVOCATES)

AND:

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

THE STATE OF KARNATAKA THROUGH,
KALABURAGI CITY WOMEN POLICE STATION
KALABURAGI, DIST. KALABURAGI,
NOW RERPESENTED ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURABI BENCH-585107.

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO, RELEASE THE ACCUSED/PETITIONER ON BAIL IN CRIME NO. 130/2024 OF

KALABURAGI CITY WOMEN POLICE STATION KALABURAGI, DIST KALABURAGI FOR THE OFFENCES PUNISHABLE U/SEC 318(4) AND 64(2) (m)OF BNS-2023, PENDING BEFORE THE I ADDITIONAL CIVIL JUDGE AND JMFC COURT, KALABURAGI.

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 in Crime No.130/2024 registered by Kalaburagi City Women Police Station, Kalaburagi city, for the offences punishable under Sections 318(4), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS, 2023'), is before this Court under Section 439 of Cr.P.C.,/483 of Bharatiya Nagarika Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.130/2024 was registered by Kalaburagi City Women Police Station, Kalaburagi city, against the petitioner herein for the aforesaid offences on the

basis of the first information dated 23.12.2024 received from the victim-lady aged about 25 years. During the course of investigation of the case, the petitioner herein was arrested on 25.12.2024. The bail application filed by him before the jurisdictional Court in Crl. Misc. No.10/2025 was rejected on 10.01.2025 and therefore, he is before this Court.

4. FIR in Crime No.130/2024 has been registered by Kalaburagi City Women Police Station, Kalaburagi city, for the aforesaid offences against the petitioner on the basis of the first information dated 23.12.2024 submitted by the victim-lady aged about 25 years. In the first information, it is stated that, she is married to one Mr. Rajkumar and from the wedlock, she has got two children. For the last five years, she is staying separately from her husband. She had gone to Kalaburagi City Women Police Station about 5-6 months prior to the lodging of the FIR, as a witness in a honey trap case. The petitioner herein who is a police constable was present in the police station and he had collected her phone number and thereafter, he started calling her. He allegedly informed her that, he was in love with her and he intended

to lead his life with her. The petitioner allegedly came to the house of the victim-lady and had sexual intercourse with her against her wish, with an assurance to marry her. This act of his was being repeated and in spite of the victim-lady asking him to marry her, he was evading the said request. Thereafter, the victim-lady along with her children allegedly started residing in the house of the petitioner and the petitioner had sexual intercourse with the victim-lady even in his house. Subsequently, he took her to a lodge on 10.12.2024 and had sexual intercourse with her. Thereafter, he took her to his friend's house and had sexual intercourse with her. The victim has stated that, on 13.11.2024, after she had quarreled with the petitioner, she had consumed poison and was admitted in the hospital. On 18.11.2024, she was discharged from the hospital and on 24.11.2024 the petitioner had taken her from Kalaburagi to Bengaluru and left her in a lodge in Nelamangala, at Bengaluru and thereafter, his mobile phone was switched off. It is in this background, she had approached the police on 23.12.2024.

5. From the reading of the first information, it is apparent that, the petitioner and the victim-lady are both married persons. In the first information, the victim-lady has stated that, she is staying away from her husband for the last five years and it appears that, thereafter she got acquainted with the petitioner and they had a consensual sexual relationship. The allegation in the first information is that, the petitioner who had promised to marry the victim-lady had subsequently refused for the same. The fact remains that, the petitioner as well as the victim-lady both are married persons and their marriage is still subsisting. The petitioner, who is a police constable, is in the custody from 25.12.2024. The major portion of the investigation is already completed. 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, the following order:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.130/2024 of Kalaburagi City Women Police Station, Kalaburagi city, registered for the offences punishable under Sections 318(4), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023, pending before the Court of I Additional Civil Judge (Jr. Dn.) and JMFC, Gulabarga, 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

SVH
List No.: 1 Sl No.: 17
CT:PK