NC: 2025:KHC-K:1119
CRL.P No. 200117 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200117 OF 2025

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

BETWEEN:

NAGARAJ S/O KAMPLEPPA GANADAL,
AGE: 22 YEARS, OCC: COOLIE
R/O. KHANIHAL, TQ.SINDHANUR,
DIST.RAICHUR – 584125.

…PETITIONER

(BY SRI SIDDARAJ MURAGESAN M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THROUGH TURVIHAL POLICE STATION,
   REP. BY ADDL. STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH AT KALABURAGI–585103.

2. XXX

…RESPONDENTS

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

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO GRANT REGULAR BAIL TO THE PETITIONERS/ ACCUSED IN SPL. C. NO. 5397/2024 PENDING BEFORE THE HON'BLE 3RD ADDL. DISTRICT AND SESSIONS JUDGE RAICHUR SITTING AT SINDHANUR IN CRIME

NO.115/24, TURVIHAL PS WHICH IS REGISTERED FOR THE OFFENCES PUNISHABLE U/S 376 OF IPC SECTION 4 AND 6 OF POCSO ACT AND ALLOW THIS PETITION.

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 Special Case No.5397/2024, pending before the Court of III Additional District and Sessions Judge/Special Judge, Raichur, sitting at Sindhanur, arising out of Crime No.115/2024, registered by Turvihal Police Station, Raichur for the offences punishable under Sections 376 of IPC and Sections 4 and 6 of the POCSO Act, is before this Court under Section 483 of BNSS, 2023.

2. Heard learned counsel for the parties.

3. FIR in Crime No.115/2024 was registered by Turvihal Police Station, Raichur for the aforesaid offences against unknown person on the basis of the first information dated 28.08.2024 received from Child

Development Project Officer, Turvihal. In the first information, it is stated that the victim girl, who is the daughter of respondent No.2 herein was found to be pregnant during her medical examination and therefore, the first informant had approached the police. During the course of investigation of the case, petitioner herein was arrested on 30.08.2024 and subsequently remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed against the petitioner for the aforesaid offences. The bail application filed by the petitioner before the Trial Court in Crl.Misc.No.5439/2024 was rejected on 12.12.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that the petitioner and the victim girl are close relatives. The petitioner aged about 22 years is in custody from 30.08.2024 and he has no other criminal antecedents. The victim girl has not made any allegation against the

petitioner in her statement recorded under Section 164 of Cr.P.C. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader for respondent No.1 has opposed the petition. She submits that in the event petitioner is enlarged on bail, he is likely to tamper with the prosecution witnesses.

6. FIR in the present case was submitted by the Child Development Project Officer, Turvihal after the victim girl who was medically examined was found to be pregnant. As per the Aadhar card of the victim girl, she qA aged below about 18 years and in this background, the first informant had approached the police. During the course of investigation, the statement of the victim girl under Section 164 of Cr.P.C. was recorded on 18.09.2024. The victim girl has stated that since she was suffering from stomach pain, she had approached the hospital at Sindhanur and subsequently, she had approached the hospital at Raichur and in the said hospital, she came to know that she was pregnant. She has not made any

allegation against the petitioner stating that he is the reason for her pregnancy. The petitioner having no other criminal antecedents is in custody from 30.08.2024. Investigation of the case is completed and charge sheet has been filed. The material on record would go to show that the petitioner and victim girl are close relatives. Respondent No.2, who is present before the Court in person submits that he has no objection to grant bail to the petitioner.

7. Considering the aforesaid aspects of the matter, 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 criminal petition is allowed.

The petitioner/accused is directed to be enlarged on bail in Special Case No.5397/2024, pending before the Court of III Additional District and Sessions Judge, Raichur, sitting at Sindhanur, arising out of Crime

No.115/2024, registered by Turvihal Police Station, Raichur for the offences punishable under Section 376 of IPC and Sections 4 and 6 of the POCSO Act, pending on the file of learned III Additional District and Sessions Judge/Special Judge, Raichur, sitting at Sindhanur, 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.

In view of disposal of man petition, pending application, if any, does not survive for consideration.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 32
CT:PK