



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 17TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 200349 OF 2025
(438(Cr.PC)/482(BNSS))

BETWEEN:

ABDUL BASHA S/O AKBARSAB KURESHI,
AGE:28 YEARS, OCC: AGRICULTURE,
R/O. BAPUGOUDA CHOWK, BHEEMARAYANAGUDI,
TQ. SHAHAPUR, DIST. YADGIRI- 585287.

...PETITIONER

(BY SRI BASAVALING NASI, ADVOCATE)

AND:

1. STATE THROUGH BHEEMARAYANAGUDI PS,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
AT KALABURAGI BENCH-585287.
2. NISHAT ANJUM W/O KHAJA MAINUDDIN SHILPI,
AGE: 29 YEARS,
OCC: GOVT. OFFICIAL NON GAZETTE,
R/O. FEMALE SUPERVISOR CDPO OFFICE, SHAHAPUR,
HALEPETH SHAHAPUR,
DIST. YADAGIRI- 585287.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1; R2 SERVED)

THIS CRL.P IS FILED U/SEC 482 OF BNSS, PRAYING TO,
ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT
OF HIS ARREST IN CRIME NO.6/2025 OF BHEEMARAYANA GUDI
PS FOR THE OFFENCE, PROHIBITION OF CHILD MARRIAGE ACT
2006 (U/SEC 9, 10, 11) POCSO OF CHILDREN FROM SEXUAL
OFFENCES ACT 2012 (U/SEC 4, 6) IPC 1860, (U/SEC 376(2)(n),
376(3) PENDING BEFORE DISTRICT AND SESSIONS JUDGE
YADAGIR.

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by RENUKA
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

1. The petitioner who is arraigned as accused No.1 is before this Court seeking anticipatory bail in Crime No.6/2025 of respondent - Police Station for the offences punishable under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 376(2)(n), 376(3) of the Indian Penal Code (for short 'IPC').

Brief facts of the case:

2. The respondent No.2 being the Child Development Project Officer (for short 'CDPO') has lodged a complaint stating that the victim had married the petitioner and she became pregnant. The marriage of the victim came to know to the officer when she had been to Primary Health Centre to get her mother-card done, they traced her that she was a minor and the same has been informed to



respondent No.2, hence, the complaint. The jurisdictional police have registered a case in Crime No.6/2025 for the offences stated supra.

3. Heard Sri.Basavaling S.Nasi, learned counsel for the petitioner and Sri.Jamadar Shahabuddin, learned High Court Government Pleader for respondent No.1. Respondent No.2 served and unrepresented.
4. It is the submission of the learned counsel for the petitioner that the petitioner being the husband of the victim is in judicial custody, in the meantime, she gave birth to a child. He being the father has to take care of the child and also the victim. He is the earning member of the family. In fact, he was not aware about the actual age of the victim. Due to mistake, the age of the victim has been mentioned in the Aadhar card as 17 years. However, she has completed 18 years and the marriage was solemnized with the consent of the elders. Therefore, he may be enlarged on bail by imposing suitable conditions. Making such submissions, the learned counsel for the petitioner prays to allow the petition.



5. Per contra, the learned High Court Government Pleader opposed the said submissions and he prays to reject the petition.
6. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, the learned counsel for the petitioner submitted that the petitioner was not aware about the actual age of the victim has to be considered for the reason that the learned High Court Government Pleader has not made available any document to show that the victim has not completed 18 years. Moreover, as per the records, the elders of the family have performed the marriage and thereafter the victim became pregnant. When she went to Primary Health Centre to get her health card done, she has been questioned about her age and a complaint has been lodged.
7. The learned counsel for the petitioner further submitted that the victim gave birth to the child and the petitioner has to take care of the child, the same would be considered at this stage.



8. Without advertent to the merits of the case, having considered that the marriage has been solemnized between the petitioner and the victim by the intervention of the elders and also the age of the victim is above 17 years, it is appropriate to grant him bail by imposing suitable conditions.
9. Hence, I proceed to pass the following:

ORDER

The petition is ***allowed***.

The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.6/2025 registered by respondent police for the offences punishable under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, Sections 4 and 6 of POCSO Act and Sections 376(2)(n), 376(3) of IPC, pending before the District and Sessions Judge, Yadagir, subject to the following conditions:

- (i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum to the satisfaction of the Investigating Officer.



- (ii) The petitioner shall appear before the Trial Court on all hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

UN
List No.: 1 Sl No.: 21
CT:PK