



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 200443 OF 2025

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

BETWEEN:

RAMESH
S/O AMARAPPA @ AMARESH JUTLER,
AGE:21 YEARS,
OCC: AGRICULTURE,
R/O. KUNSI VILLAGE,
KRISHNA MANDAL,
MATKTHAL TALUKA NARAYANPET T.S.

...PETITIONER

(BY SRI SHIVAKUMAR KALLOOR, ADVOCATE)

Digitally signed
by RENUKA

Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
THROUGH LINGASUGUR POLICE STATION,
LINGASUGUR TALUK.
RAICHUR DISTRICT-584122,

THROUGH
ADDITIONAL STATE
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.



2. RENUKAMMA
W/O RAMAPPA,
AGE: 40 YEARS,
OCC: COOLIE,
R/O. SHAKTI NAGAR,
RAICHUR DIST.
RAICHUR.

...RESPONDENTS

(BY SRI GOPAL KRISHNA YADAV, HCGP FOR R1;
V/O DTD. 26.03.2025 NOTICE TO R2 IS DISPENSED WITH)

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), U/S 483 OF BNSS(NEW), PRAYING TO ALLOW THE BAIL PETITION RELEASE THE ACCUSED PETITIONER ON REGULAR BAIL IN CRIME NO.65/2024 OF LINGASUGUR POLICE STATION FOR THE OFFENCES PUNISHABLE U/SEC. 366-A, 376 IPC, SECTIONS 3(1)(w), 3(2)(v) SC/ST ACT-2015 AND SECTIONS 4 AND 6 OF POCSO ACT, PENDING BEFORE PRL. CIVIL JUDGE (JR.DN) AND JMFC Court, LINGASUGUR.

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)

This petition is filed by the petitioner-accused seeking for regular bail in Crime No.65/2024, registered by the Lingasugur Police Station for the offences punishable under Sections 366(A), 376 of IPC and 3(1)(w), 3(2)(v) SC/ST Act, 2015 and Sections 4 and 6 of POCSO Act.

2. Factual matrix of the case:

The case of the prosecution is that the respondent No.2 lodges a complaint before the respondent police stating that she had four daughters and husband viz., Sri. Ramappa. She was residing along with her husband and children at Shakthinagar, Raichur. She had received a phone call from her mother-in-law on 20.06.2024 around 5.00 pm stating that her daughter Prema was not found in the house. Further, she was told that the said Prema had informed her mother-in-law that she should go to field to attend the nature call and come back. However, she did not return to home. After receiving the said information, she along with others searched the whereabouts of the said Prema as she could not get information, she lodges a complaint before the respondent police. The respondent police



after conducting investigation submitted the charge sheet against the petitioner for the aforesaid offences.

3. It is the submission of the learned counsel for the petitioner that the petitioner is aged about 21 years and he is an agriculturist and permanent resident of Krishnamandal. He has been falsely implicated to this case.

4. It is further submitted that the statement of victim made before the Magistrate under Section 164 of Cr.P.C., would indicate that she had not been subjected to any sexual assault and even the medical report would indicate tat she has not been subjected to sexual assault. Therefore, mentioning the provision under section 4 and 6 of POCSO Act would not proper and correct. Hence, the petition may be enlarged on bail. Making such submissions, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader vehemently opposed the said submissions and submitted that the victim is aged about 14 years. Even though, she made her statement before the Magistrate that she has not been subjected to sexual assault, the facts remains that the petitioner had kidnapped her and she stayed in his house for a



period of four days. Therefore, it is not appropriate to grant bail to the petitioner, as prayed for.

6. Having heard learned counsel for the respective parties and also perused the statement of the victim made under section 164 of Cr.P.C., and also statement made before the police, there are contradiction in her statements in respect of sexual assault. In case, if the statement of victim made before the Magistrate is considered, the ingredients of section 4 and 6 of POCSO Act cannot be attracted. Hence, it is appropriate to grant bail by imposing suitable conditions.

7. Hence, I proceed to pass the following:

ORDER

- (i) The criminal petition is ***allowed***.
- (ii) The petitioner is enlarged on bail in Spl.C.No.5403/2024, pending on the file of the Prl. Civil Judge (Jr.Dn.) and JMFC Court, Lingasugur arising out of Crime No.65/2024 registered by the Lingasugur Police Station for the offences punishable under Sections 366(A), 376 of IPC and 3(1)(w), 3(2)(v) SC/ST Act, 2015 and Sections 4



and 6 of POCSO Act, by executing a personal bond for a sum of Rs.1,00,000/- with one local surety for the likesum to the satisfaction of the Trial Court on the following conditions:

- a. The petitioner shall not threaten or tamper the prosecution witnesses.
- b. The petitioner shall appear before the Trial Court on all hearing dates without fail.

**Sd/-
(S RACHAIAH)
JUDGE**

JS/-
List No.: 1 Sl No.: 32
CT:PK