NC: 2025:KHC-K:1646
CRL.P No. 200442 of 2025

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. 200442 OF 2025

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

BETWEEN:

BASAVARAJ S/O SHIVASHARANAPPA AVANTI,
AGE:43 YEARS, OCC: AGRICULTURE,
R/O. KOLKUNDA VILLAGE,
TQ. SEDAM DIST. KALABURAGI.

...PETITIONER

(BY SRI GANESH NAIK, ADVOCATE)

AND:

THE STATE THROUGH,
THE POLICE MUDHOL POLICE STATION,
TQ. SEDAM, DIST. KALABURAGI,
REPRESENTED BY,
ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585103.

...RESPONDENT

(BY SRI GOPAL KRISHNA YADAV, HCGP)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THIS CRL.P. IS FILED U/S 483 OF BNSS PRAYING TO ALLOW THE PETITION AND THERE BY ENLARGE THE PETITIONER ON BAIL IN CRIME NO.19/2025, REGISTERED BY THE MUDHOL POLICE STATION FOR THE OFFENCE UNDER SECTION 329(4), 64, 62, 352 AND 351(2) OF BNS, 2023, ON FILE PENDING BEFORE THE HON'BLE COURT OF THE SENIOR CIVIL JUDGE AND JMFC COURT, SEDAM DIST KALABURAGI.

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/accused is before this Court seeking regular bail in Crime No.19/2025 of respondent - Police Station for the offences punishable under Sections 329(4), 64, 62, 352 and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') pending on the file of Senior Civil Judge and JMFC Court, Sedam District, Kalaburagi.

Brief facts of the case:

2. It is the case of the prosecution that the complainant was working at K.G.B Bank as B.C worker. She had lodged a complaint five months ago against Basavaraj S/o Shivasharanappa and FIR was registered and after investigation, charge sheet has also been submitted. In spite of the case having been registered against him, he used to call the complainant over phone and also threatening her that he would come to her house.

Totally, she was being harassed by him. On 08.02.2025 around 4.36 p.m., he insisted her to come along with him in the car. She refused to go with him in the car. However, around 6.30 p.m., after having confirmed that nobody was there in her house, he entered into the house and tried to commit rape and also bit her lips and caused injuries. When she cried for help, her brother Mallesh and her father Sabanna immediately came to the house and made both of them to sit in the said house. Immediately, she has informed 112 police help line. The jurisdictional police came to the spot and took them to the police station. Therefore, a case came to be registered against the petitioner for the above said offences.

3. Heard Sri.Ganesh Naik, learned counsel for the petitioner and Sri.Gopal Krishna Yadav, learned High Court Government Pleader for the respondent – State.

4. It is the submission of the learned counsel for the petitioner that the petitioner is innocent of the alleged offences. In fact, the complainant insisted the petitioner to come to her house. She was aged about 39 years and

she got divorced from her husband and tried to implicate the petitioner herein in a false case in order to coerce him for the marriage.

5. It is further submitted that the allegations made against the petitioner are baseless and vague. There is no medical certificate to demonstrate that he had bit her lips and caused injuries. The petitioner is known to her since 20 years and she was trying to coerce him in one or the other pretext for the marriage. Therefore, she filed a false case. That apart, he is also aged about 43 years working as an agriculturist and permanent resident of Kolkunda Village and he will abide the conditions imposed by the Court in the event of his release on bail. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

6. Per contra, learned High Court Government Pleader vehemently opposed the said submissions and he further submitted that the petitioner is in one or the other way harassing, torturing and also insisting her for sexual favour and also threatening her to withdraw the earlier case which she had filed against him.

7. It is further submitted that the petitioner had threatened the complainant and also entered her house forcibly in spite of charge sheet having been filed against him in the earlier case. That itself would indicate that there is a threat to the life of the complainant, hence, it is not appropriate to grant bail to him in this case. Making such submissions, the learned High Court Government Pleader prays to dismiss the petition.

8. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, it appears that the complainant had filed a case against the petitioner which was charge sheeted. Thereafter, it is stated that the petitioner had entered the house forcibly and stated to have committed sexual assault on her and when she cried for help, her brother and father rescued her and made both of them to sit in the house. It is stated that the complainant called 112 police help line, the police came and took them to the station.

9. Without adverting to the merits of the case, having considered the facts of the case, it is appropriate to grant him bail by imposing suitable conditions.

10. Hence, I proceed to pass the following:

ORDER

i) The Criminal Petition is *allowed.*

ii) The petitioner is ordered to be enlarged on bail in Crime No.19/2025 of the respondent – Police on executing 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 Trial Court, subject to the following conditions:

a) The petitioner shall not threaten nor tamper the prosecution witnesses.

b) The petitioner shall not either talk with the complainant or approach her for whatever the reason henceforth, till disposal of the case.

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

Liberty is reserved to the complainant or the prosecution to seek cancellation of the bail, in case if any single act of the petitioner, threatening or insisting the complainant for any reasons, till disposal of the case.

Sd/-
(S RACHAIAH)
JUDGE

UN
List No.: 1 Sl No.: 28
CT:PK