NC: 2025:KHC-K:2646
CRL.P No. 200822 of 2025
C/W CRL.P No. 200677 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF MAY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200822 OF 2025

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

C/W

CRIMINAL PETITION NO.200677 OF 2025

IN CRL.P.NO.200822/2025:

BETWEEN:

BHANUMATI @ BHANU PRIYA
D/O CHANDRAPPA BAJEPI,
AGE: 42 YEARS, OCC: AYAMMA,
R/O NEAR SHARANABASAVESHWAR TEMPLE,
YADGIRI-585 201, TQ. AND DIST. YADGIRI

...PETITIONER

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

(BY SRI PRASHANT MYAKERI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THROUGH WADI POLICE STATION,
   TQ. CHITTAPUR, DIST.KALABURAGI,
   REPRESENTED BY LEARNED ADDL. STATE
   PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA AT
   KALABURAGI-585 107.

2. NAGAMMA W/O SHANKRAYYA HIREMATH,
   AGE: 49 YEARS, OCC: GOVT. OFFICIAL,

NON GAZETED, R/O MATA MANIKESHWARI NAGAR,
YADGIRI-585 201, TQ. AND DIST. YADGIRI.

…RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C (OLD) U/SEC 483 OF BNSS, PRAYING TO ALLOW THE PETITION AND THEREBY KINDLY RELEASE THE PETITIONER ON BAIL IN CRIME NO.23/2025 OF WADI POLICE STATION, TQ. CHITTAPUR, DIST. KALABURAGI PENDING ON THE FILE OF ADDL. DIST AND SESSIONS JUDGE FTSC-I (POCSO) AT KALABURAGI FOR THE OFFENCE PUNISHABLE U/SEC 143(4), 64(2)(m) R/W 190 OF BNS AND SEC. 80, 81 OF JJ ACT AND SEC. 6 OF POCSO ACT.

IN CRL.P.NO.200677/2025:

BETWEEN:

1. MOHD. ARIF AHMED S/O MOHD. ABDUL BARI,
   AGE: 34 YEARS, OCC: PRIVATE WORK,
   R/O H.NO.1-8-36, SHAHAPUR PETH,
   DIST. YADAGIR.

2. AFSHAN NIKHAT S/O MOHD. ARIF AHMED,
   AGE: 30 YEARS, OCC: HOUSEHOLD,
   R/O H.NO.1-8-36, SHAHAPUR PETH,
   DIST. YADAGIR.

…PETITIONERS

(BY SRI ZAKIR HUSSASIN USTAD, ADVOCATE)

AND:

1. THE STATE,
   THROUGH WADI POLICE STATION,
   DIST. KALABURAGI,
   (REPRESENTING BY LEARNED ADDL. SPP,
   HIGH COURT KALABURAGI-585 107).

2. NAGAMMA W/O SHANKRAYYA HIREMATH,
   AGE: 49 YEARS, OCC: GOVT. OFFICIAL NON GAZETTED,
   R/O MATA MANIKESHWARI NAGAR,
   YADAGIR-585 202.

…RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1;
R2 SERVED)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ENLARGE THE PETITION ON BAIL IN CRIME NO.23/2025 OF WADI POLICE STATION, DIST. KALABURAGI, PENDING ON THE FILE OF ADDL. DIST. AND SESSIONS JUDGE FTSC-I (POCSO) AT KALABURAGI FOR THE OFFENCES PUNISHABLE U/SEC. 143(4), 64(2)(M), R/W SEC. 190 OF BNS 2023, AND SEC. 80, 81 OF J.J. ACT AND U/SEC. 6 OF POCSO ACT.

THESE PETITIONS 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 Nos.2, 4 and 5 in Crime No.23/2025 registered by Wadi Police Station, Kalaburagi for the offences punishable under Sections 143(4), 64(2)(m) read with Section 190 of BNS, 2023, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, are before this Court in these two criminal petitions filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the petitioners and learned Additional Government Advocate for respondent No.1. Respondent No.2, who is served in the matter has remained unrepresented before this Court in Criminal Petition No.200677/2025.

3. FIR in Crime No.23/2025 was registered by Wadi Police Station, Kalaburagi for the aforesaid offences against one Basavaraj and four others based on the first

information dated 23.03.2025 received from respondent No.2, who is the Sub-Inspector of Police attached to Wadi Police Station, Kalaburagi. During the course of investigation, the petitioners herein, who are arrayed as accused Nos.2, 4 and 5 were arrested on 28.03.2025 and subsequently remanded to judicial custody. The bail applications filed by the petitioners before the jurisdictional Sessions Court were rejected. Therefore, they are before this Court.

4. Perusal of the material on record would go to show that the alleged victim in the present case, who is the resident of Rawoor village, Chittapur taluka got acquainted with accused No.1 – Basavaraj and subsequently, they started loving each other. It is alleged that accused No.1 – Basavaraj had sexual intercourse with the victim and as a result, she became pregnant. Thereafter, she had gone to Government Hospital along with her mother for her medical examination and subsequently, she had given birth to a male child at

Mahadevi Hospital, Yadgir on 09.02.2025. The victim girl has stated before the Investigating Officer that she and her mother had abandoned the newly born male child and had handed over the same to accused No.2, who was working as a Staff Nurse, where the victim girl had given birth to a male child. The allegation against accused No.2 is that she had handed over the male child to accused Nos.4 and 5 at their request.

5. Learned counsel for the petitioners has brought to the notice of this Court that accused Nos.4 and 5, who are husband and wife, have no issues and therefore, they had taken custody of the said child with good intention.

6. Be that as it may, the only allegation as against accused Nos.4 and 5 is that they had taken the abandoned child born to the alleged victim girl from accused No.2 without following the procedure as provided under the statute and it is in these circumstances, they have been arraigned as accused in the present case. Undisputedly,

the petitioners do not have any criminal antecedents and they are in custody for the last more than one month.

7. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively. Accordingly, I proceed to pass the following order:

ORDER

The petitions are allowed.

The petitioners/accused Nos.2, 4 and 5 are directed to be enlarged on bail in Crime No.23/2025 registered by Wadi Police Station, Kalaburagi for the offences punishable under Sections 143(4), 64(2)(m) read with Section 190 of BNS, 2023, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, pending before the Court of Additional District and Sessions Judge and FTSC-I (POCSO), Kalaburagi, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 11
CT: AK