IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 13TH DAY OF MAY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.200831 OF 2025

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

BETWEEN:

DEVAPPA S/O NINGAPPA GUDALLI,
AGE: 25 YEARS, OCC: AGRICULTURE,
R/O SAGAR VILLAGE, TQ. SHAHAPUR,
DIST. YADGIRI.

…PETITIONER

(BY SRI RAJESH DODDAMANI, ADVOCATE)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   THROUGH SHAHAPUR POLICE STATION,
   SHAHAPUR,
   NOW REPRESENTED BY
   ADDITIONAL SPP,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH-585 103.

2. TRIVENI W/O SHANKERAPPA SAJJAN,
   AGE: 52 YEARS, OCC: WOMEN SUPERVISOR,
   SAGAR ZONE,
   R/O KODALAGI VILLAGE,

TQ. SHORAPUR,
NOW R/AT BASAVESHWAR NAGAR,
SHAHAPUR.

3. MANAPPA @ MANNAYYA
S/O DURGAPPA GANAJALI,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O BANAKALDODDI VILLAGE,
TQ. DEVDURGA,
DIST. RAICHUR.

…RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1 AND R2;
SRI SHRAVANKUMAR, ADVOCATE FOR R3)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C., PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER/A-1 ON BAIL IN CONNECTION WITH IN CRIME NO. 57/2025 OF SHAHAPUR POLICE STATION FOR THE OFFENCES PUNISHABLE U/SECS. 376(3), 376(2)(n) OF INDIAN PENAL CODE AND U/S 6 OF POCSO ACT, 2012, AND U/SS. 9, 10, 11 OF PROHIBITION OF CHILD MARRIAGE PROHIBITION ACT, 2006, (KARNATAKA AMENDMENT 2016), NOW PENDING ON THE FILE OF DISTRICT AND SESSIONS JUDGE, YADGIRI, IN SPL. C. NO. 37/2025.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. This petition is filed by accused No.1, under Section 483 of BNSS, 2023, praying to grant regular bail in Crime No.57/2025 dated 02.03.2025 registered by the

Shahapur Police Station, Yadgiri District, for the offences punishable under Sections 376(3), 376(2)(n) of IPC, Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012, and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

2. The factual matrix of the case are that, on 15.10.2024 the victim went for medical examination to obtain Tayi Card at Primary Health Centre, Sagar Village. Upon medical examination it came to her knowledge that she found to be pregnant, thereby the Doctor who examined her intimated the same to the complainant *i.e.,* the Child Development Officer. Subsequently on enquiry by the complainant/Child Development Officer, it revealed that the marriage of the victim was performed with accused No.1/petitioner on 04.04.2024 at his house at the instance of their parents. Since, the victim was a minor, the complainant lodged complaint before the respondent/Police. On the strength of the said complaint, FIR came to be registered against the petitioner along with other accused for the aforementioned offences. Subsequently, the accused

were apprehended on 23.02.2025 by the respondent/Police and ever-since, the petitioner is in judicial custody. Hence, he preferred regular bail before the District and Sessions Judge, Yadgiri in Crl.Misc. No.57/2025, however, the same has been dismissed by the learned District and Sessions Judge, Yadgiri, vide order dated 09.04.2025. Hence, the present petition.

3. I have heard the learned counsel for the petitioner, the learned High Court Government Pleader for the respondent-State, so also the learned counsel appearing for respondent No.3 - complainant.

4. The primary contention of the learned counsel for the petitioner is that the victim got married the petitioner and out of their wedlock they begot a child. Though, it is claimed that the victim was minor at the time of performing her marriage with the petitioner, the prosecution failed to place any reliable documents to establish the said aspect.

5. The bail petition is opposed by the learned High Court Government Pleader.

6. However, the learned counsel for respondent No.3 - victim fairly submits that presently the victim is residing along with her child since, she got married the accused. He also submits bail petition may be considered.

7. Considering the above aspects and that the prosecution failed to place reliable age proof of the victim, without expressing any opinion on the merits of the case, it is suffice to hold that the petitioner to be enlarged on bail by imposing certain conditions. Accordingly, the petition deserves to be allowed. Hence, the following:

ORDER

The petition filed under Section 483 of BNSS 2023, is allowed. Consequently, the petitioner/accused No.1 shall be released on bail in connection with Crime No.57/2025 pending on the file of the Court of District and Sessions Judge, Yadgiri, for the offences punishable under Sections 376(3), 376(2)(n) of IPC, Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012, and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 on the following conditions:

i) The petitioner shall execute his personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety for the likesum to the satisfaction of the jurisdictional Court.

ii) The petitioner shall mark their attendance once in a week on every Sunday between 10:00 a.m., and 05:00 p.m., before the Investigating Officer or before the jurisdictional Court.

iii) The petitioner shall not tamper with the prosecution witnesses or prevail upon the prosecution witnesses in any manner.

iv) The petitioner shall attend the jurisdiction Court regularly on all dates of hearing and shall cooperate with the Investigation Authority.

v) The petitioner shall not leave the jurisdiction of the trial Court without its prior permission.

Sd/-
(RAJESH RAI K)
JUDGE

SBS
List No.: 1 Sl No.: 35
CT: AK