

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION No.7571/2021

BETWEEN

PARASURAMA P
S/O HANUMANTHAPPA
AGED ABOUT 26 YEARS
R/O HIREKOGALURU VILLAGE
CHANNAGIRI -TALUK
DAVANAGERE DISTRICT - 577 552.

...PETITIONER

(BY SRI CHAKRAVARTHY T S, ADVOCATE)

AND

1 . STATE OF KARNATAKA
BY SANTEBENNUR POLICE STATION
DAVANAGERE DISTRICT - 577 552.

REPRESENTED BY STATE PUBLIC
PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE - 560 001.

2 . THIMMESHA K S
S/O SADASHIVAPPA
AGED ABOUT 51 YEARS
R/O HIREKOGALURU VILLAGE

CHANNAGIRI - TALUK
DAVANAGERE DISTRICT - 577 552.

...RESPONDENTS

(BY SRI KRISHNA KUMAR K K, HCGP
R.2 SERVED -UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.No.109/2021 OF SANTHENBENNUR P.S., DAVANAGERE DISTRICT FOR THE OFFENCE P/U/S 366A, 376(2)(n) OF IPC AND SECTION 6 OF POCSO ACT AND SECTION 9 OF PROHIBITION OF CHILD MARRIAGE ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioner-accused under Section 439 of Cr.P.C. seeking regular bail in Crime No.109/2021 registered by Santhebennur Police Station, Davanagere for the offences punishable under Sections 354(A), 354(D), 509, 506 of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that on the complaint of one Thimmesha K.S., the police registered a case on 14.08.2021, wherein the complainant has alleged that he is the father of the minor victim girl, aged about 16 years. On 13.08.2021, in the afternoon, the victim was weeping in the house and when he enquired the victim, she revealed that during lockdown, when she had been to her school and while returning home, the petitioner-accused who is said to be the resident of same village, used to follow her and pressurized her to love him as he was loving her and he was insisting her to marry him. In spite of refusal of the victim to love him, he was continuously harassing her and following her, wherever she goes. After registering the case, the police arrested the petitioner and he was remanded to judicial custody. The petitioner approached the Sessions Judge for bail, which came to be rejected. Hence, he is before this Court.

4. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader,

and on perusal of the records, of course, the petitioner was said to have harassing the victim insisting her to marry him. He was always following her demanding her to love him and also to marry him. The petitioner-accused also got the mobile number of the victim and through mobile phone, he was said to have harassing the victim to love and marry him. The same was intimated by the victim to her father and hence, complaint was lodged. The offence is though non bailable one but not punishable with death/imprisonment for life. The accused is in custody for more than three months. Investigation is completed and the charge sheet has been filed. Therefore, by imposing certain conditions, if the petitioner is released on bail, no prejudice would be caused to the case of prosecution. Hence, the following:

ORDER

The petition is allowed.

The trial Court is directed to release the petitioner on bail, in Crime No.109/2021 registered by Santhebennur Police Station, Davanagere for the offences punishable

under Sections 354(A), 354(D), 509, 506 of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012, subject to the following conditions:-

- (i) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the trial Court;
- (ii) Petitioner shall not indulge in similar offences strictly;
- (iii) Petitioner shall not tamper with the prosecution witnesses directly/indirectly;
- (iv) Petitioner shall not leave the jurisdiction without prior permission of the trial Court.

If any of the bail conditions is violated, the prosecution is at liberty to file an application for cancellation of bail.

I.As. pending if any stand disposed of.

**Sd/-
JUDGE**

Cs