

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.253/2022

BETWEEN:

RATHNAKUMARI @ RANI,
W/O DEVARAJ,
AGED ABOUT 29 YEARS,
R/O MEDUR P. KOPPAL VILLAGE,
GAVADAGERE HOBLI, HUNSUR TALUK,
MYSORE DISTRICT 571105.

...PETITIONER

(BY SRI AJAY PRABHU, ADVOCATE FOR
SRI SRIKANTH N.V., ADVOCATE)

AND:

STATE OF KARNATAKA,
BY PERIYAPATNA POLICE STATION ,
MYSURU DISTRICT,
REPRESENTED BY LEARNED
STATE PUBLIC PROSECTOR,
HIGH COURT BUILDING,
BANGALORE 560001.

...RESPONDENT

(BY SRI H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.300/2021 OF PERIYAPATNA P.S., MYSURU DISTRICT FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 370, 506 READ WITH 34 OF IPC ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT AT PERIYAPATNA, MYSURU.

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

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner in Crime No.300/2021 of Periyapatna Police Station, Mysuru District, for the offence punishable under Sections 370, 506 read with 34 of IPC.

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

3. The factual matrix of the case is that this petitioner along with other accused persons by making false representation to the victim that she would get the employment, forced the victim to have sexual intercourse with accused No.1. It is also an allegation that the accused persons have intoxicated and made her to sleep with accused No.1 and when the police were in search of the victim, she was brought back to Periyapatna Police Station. Based on the complaint of the husband of the victim, the police have registered the case for the offence punishable under Sections 370 and 506 read with 34 of IPC and the matter is under investigation.

4. The learned counsel for the petitioner would submit that the very allegation made in the complaint is doubtful and apart from that, the complaint has been lodged with delay of seven days and as per the averment of the victim, she left the home on 08.11.2021 and the complaint was lodged on 15.11.2021 and this petitioner has not indulged in any such activities and she has been in custody from 15.11.2021 and no need of custodial interrogation having taken note of the nature of allegations made in the complaint.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State would submit that in the guise of getting the employment, the victim was taken and she was subjected to sexual act at the instance of this petitioner and this petitioner only persuaded the victim. Hence, there is a prima facie case against the petitioner.

6. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State and also on perusal of the material on record, the victim was missing from 08.11.2021 and the complaint was given on 15.11.2021 and no doubt, there was a

delay of seven days in lodging the complaint. The allegation is that this petitioner, who happens to be a friend of accused No.1 persuaded the victim and having taken note of the allegation made in the complaint, whether this petitioner had indulged in such act or not requires to be tested in trial and she has been in custody from 15.11.2021 and hence I am of the opinion that it is a fit case to exercise the powers under Section 439 of Cr.P.C.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.300/2021 of Periyapatna Police Station, Mysuru District, for the offence punishable under Sections 370, 506 read with 34 of IPC, subject to the following conditions:

- (i) The petitioner shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses.

- (iii) The petitioner shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.
- (iv) The petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Court till the case registered against her is disposed of.

**Sd/-
JUDGE**

MD