

(2024) 11 KAR CK 0045
In the Karnataka High Court
Case No : Criminal Petition No. 9019 Of 2024

Chandru @ Ramachandra

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 13-11-2024

Acts Referred:

Indian Penal Code, 1860 — Section 354(A), 354(C), 506
Protection Of Children From Sexual Offences Act, 2012 — Section 8, 12, 11(IV), 15
Information Technology Act, 2000 — Section 66(E)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 11 KAR CK 0045

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Gopal N, M.R. Patil

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused in S.C.No.1383/2024 pending before the Court of Additional City Civil and Sessions Judge FTSC-I at Bangalore, arising out of Crime No.235/2024 registered by Jnanabharathi Police Station, Bengaluru City for the offences punishable under Sections 354(A), 354(C), 506 of IPC and Sections 8, 12, 11(IV), 15 of the of Protection of Children from sexual Offences Act, 2012, and Section 66(E) of Information Technology Act, 2000, is before this Court under Section 439 of Cr.P.C.

2. Heard the learned counsel for the petitioner and learned HCGP for respondent No.1. Respondent No.2 though served in this matter, has remained unrepresented before this Court.

3. F.I.R. in Crime No.235/2024 registered by Jnanabharathi Police Station, Bengaluru City, against the petitioner herein for the aforesaid offences on the basis of first information dated 26.05.2024 received from respondent No.2 herein

who is the mother of the victim girl, aged about 15 years.

4. During the course of investigation of the case petitioner herein was arrested on 27.05.2024 and subsequently, remanded to judicial custody. Investigation in the case is completed and charge sheet has been filed against him for the aforesaid offences. Bail application filed by the petitioner before the Jurisdictional Sessions Court in CrI.Misc.No.7412/2024 was rejected on 17.08.2024. Therefore, he is before this Court.

5. Learned Counsel for the petitioner submits that petitioner is aged about 51 years. He has no other criminal antecedents and is in custody for the last more than five months. Maximum punishment for the alleged offences is imprisonment for a period of seven years. Accordingly, he prays to allow this petition.

6. Per contra, learned HCGP has opposed the petition on the ground that petitioner is likely to tamper with the prosecution witnesses.

7. First information was submitted by the mother of the victim girl on 26.05.2024, alleging that on 23.04.2024, the petitioner who had come to her house had misbehaved with her minor daughter with sexual intent and also had touched her inappropriately. He also had asked her to cooperate with him for having sexual intercourse. It is in this background, FIR in Crime No.235/2024 was registered against the petitioner.

8. During the course of investigation, petitioner was arrested on 27.05.2024 and subsequently remanded to judicial custody. Investigation in the case is completed and charge sheet has been filed against him for the aforesaid offences.

9. Perusal of the material on record would go to show that there is a delay of more than one month in submitting the first information before the police. In respect of the alleged incident that had taken place on 23.04.2024, belatedly first information is submitted on 26.05.2024. Maximum punishment for the alleged offences is imprisonment for a period of seven years. Undisputedly, petitioner has no other criminal antecedents and he is in custody for the last more than five months. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in S.C.No.1383/2024 pending before the Court of Additional City Civil and Sessions Judge FTSC-I at Bangalore, arising out of Crime No.235/2024 registered by Jnanabharathi Police Station, Bengaluru City for the offences punishable under Sections 354(A), 354(C), 506 of IPC and Sections 8, 12, 11(IV), 15 of the of Protection of Children from sexual Offences Act, 2012, and Section 66(E) of Information Technology Act, 2000, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.