

(2025) 07 KAR CK 0459
In the Karnataka High Court, Principal Bench
Case No : Criminal Petition No. 8249 Of 2025

Sanjiv Kumar @ Man Sher

APPELLANT

Vs

State By Mahandevapura P.S Rep. By State Public Prosecutor
High Court Of Karnataka Bengaluru - 560001 & Ors.

RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 14A

Citation : (2025) 07 KAR CK 0459

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : M. Jagannath Alva, Rangaswamy R

Final Decision : Dismissed

Judgement

S Vishwajith Shetty, J

1. Accused in Crime No.290/2025 registered by Mahadevapura Police Station, Bengaluru, for the offences punishable under Sections 64(2), 137(2) and 87 of BNS, 2023 and Sections 4, 6 and 10 of POCSO Act, 2012, is before this Court under Section 483 of BNSS, 2023, seeking regular bail.

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

3. FIR in Crime No.290/2025 was registered by Mahadevapura Police Station, Bengaluru, initially for the offence punishable under Section 137(2) of BNS, 2023, against the petitioner based on the first information dated 15.05.2025 submitted by respondent No.2, who is the elder brother of victim girl aged about 17 years. During the course of investigation, petitioner herein was arrested on 16.05.2025 and subsequently, remanded to judicial custody. His bail application filed before the Trial Court in CrI.Misc.No.4298/2025 was dismissed on

06.06.2025. Therefore, he is before this Court.

4. Perusal of the material on record would go to show that petitioner is the brother-in-law of the first informant and the victim girl in the present case. Victim girl aged about 17 years was found missing from their house and therefore, first informant had approached the police and since he suspected the hand of the petitioner, FIR was initially registered against the petitioner for the offence punishable under Section 137(2) of BNS, 2023. During the course of investigation, petitioner was arrested on 16.05.2025 and subsequently, remanded to judicial custody. The statement of the victim girl under Section 183 of BNSS, 2023, was recorded by the jurisdictional Magistrate on 27.05.2025. In the said statement, victim girl aged about 17 years has stated that she had gone out along with her brother-in-law and others on tour and she had failed to inform the same in her house. Her brother misunderstood and had approached the police. She has stated that immediately after coming to know about the case registered in the police station, she and her brother-in-law had returned to the police station. She has also stated that her brother-in-law had not committed any kind of sexual assault on her and the case was registered only because her brother suspected her brother-in-law. Petitioner is in custody in the present case from 16.05.2025 and he has no criminal antecedents. Since the victim girl aged about 17 years has not made any allegations against him in her statement recorded under Section 183 of BNSS, 2023, his prayer for grant of regular bail needs to be answered affirmatively. Accordingly, the following order:-

5. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.290/2025 registered by Mahadevapura Police Station, Bengaluru, for the offences punishable under Sections 64(2), 137(2) and 87 of BNS, 2023 and Sections 4, 6 and 10 of POCSO Act, 2012, subject to the following conditions:

- a) 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 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.