

(2024) 06 KAR CK 0035
In the Karnataka High Court
Case No : Criminal Petition No. 4391 Of 2024

Siddesh G.R.

APPELLANT

Vs

State By Peenya Ps Rep By State Public Prosecutor, High
Court Building, Bangalore - 560001 & Others

RESPONDENT

Date of Decision : 26-06-2024

Acts Referred:

Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6
Prohibition Of Child Marriage Act, 2006 — Section 9, 10
Indian Penal Code, 1860 — Section 376
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2024) 06 KAR CK 0035

Hon'ble Judges : M G Uma, J

Bench : Single Bench

Advocate : Ravikumara B.R, Rahul Rai .K, Harish B.S.

Final Decision : Allowed

Judgement

M G Uma, J

1. The petitioner-accused is before this Court seeking grant of anticipatory bail in Crime No.180/2024 of Peenya Police Station, pending on the file of the learned Additional City Civil and Sessions Judge, FTSC-II, Bengaluru, registered for the offences punishable under Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012, ('POCSO' Act for short), Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Section 376 of Indian Penal Code (for short 'IPC'), on the basis of the first information lodged by the informant-Lakshmi K.R.

2. Heard Sri Ravikumar B.R., learned counsel for the petitioner and Sri Rahul Rai K., learned High Court Government Pleader for respondent No.1-State and Sri Harish B.S., learned counsel for respondent No.2. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the

parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 438 of Cr.P.C.?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

4. The petitioner being the sole accused is seeking grant of anticipatory bail on the apprehension of being arrested. The statement of the victim was recorded when she went to the hospital for delivery, after coming to know that she has not yet attained majority. As per the victim- informant, she was having love affair with the petitioner and the petitioner married her. In the meantime, they had physical relationship, as a result of which, she became pregnant. The informant also states that on 03.04.2021, she delivered a male child.

5. Learned counsel for respondent No.2 submits that respondent No.2 has no objection to allow the petition. Even though the learned HCGP opposes granting of anticipatory bail, looking to the nature and seriousness of the offence and also the fact that the victim has already gave birth to a child as a result of marriage with the petitioner, I am of the opinion that the petitioner may be granted anticipatory bail, subject to conditions which will take care of the interest of the prosecution. Reasonable conditions may be imposed against the petitioner for his prompt appearance before the Investigating Officer. The Investigating Officer is at liberty to subject the petitioner for custodial interrogation in case of necessity with the permission of the jurisdictional Magistrate.

6. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is allowed.

The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.180/2024 of Peenya Police Station.

The petitioner is directed to appear before the Investigating Officer within 15 days from the date of receipt of this order and on his appearance, the Investigating Officer shall enlarge him on bail subject to the following conditions:-

- a. The petitioner shall furnish the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the Investigating Officer;
- b. The petitioner shall not commit similar offences;
- c. The petitioner shall appear before the Investigating Officer or the Court as and when required;
- d. The petitioner shall not threaten or tamper the prosecution witnesses.

e. If in case, the Investigating Officer deems necessary for subjecting the petitioner for custodial interrogation, he is at liberty to do so with prior permission from the jurisdictional Magistrate.

On furnishing the sureties by the petitioner, the Investigating Officer is at liberty to verify the correctness of the address and authenticity of the documents furnished by him. On satisfaction of the said documents, he may proceed to accept the sureties within a reasonable time.