

(2023) 04 KAR CK 0004
In the Karnataka High Court
Case No : Criminal Petition No. 710 Of 2023

Sunil B N, S/O Nagaraju

APPELLANT

Vs

State By Beluru Police Station, Hassan District Reptd By Spp
High Court Of Karnataka At Bangalore, Pin Code-560001 &
Others

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 341, 354
Protection Of Children From Sexual Offences Act, 2012 — Section 5(j)(ii), 5(L), 6
Prohibition Of Child Marriage Act, 2006 — Section 9, 10, 12

Citation : (2023) 04 KAR CK 0004

Hon'ble Judges : V Srishananda, J

Bench : Single Bench

Advocate : Suyog Herele E, Vinayaka V. S

Final Decision : Allowed

Judgement

V Srishananda, J

1. Heard Sri Suyog Herele E, learned counsel for the accused/petitioner and Sri V.S. Vinayaka, learned High Court Government Pleader for the respondent - State. Perused the records.

2. This Petition is filed under Section 439 Cr.P.C., with the following prayer:

"WHEREFORE the petitioner above named most humbly prays that this Hon'ble court may be pleased to enlarge the petitioner on regular bail in Cr.No.227/2022 pending on the file of Belur Police Station (on the file of The Learned Addl District & Sessions Judge, FTC-1 at Hassan) for the offence under sections 354, 341, IPC and section 10 and 12 of POSCO Act, in the interest of justice."

3. Brief facts of the case are as under:

Upon a complaint lodged by the mother of the victim girl, Belur Police registered

a case in Crime No.227/2022 on 9.12.2022 for the offence punishable under Sections 354 and 341 IPC and Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act, for short).

4. The gist of the complaint averments reveal that on 8.12.2022, the victim girl after finishing her college, returned home and in order to procure water from the bore well, she took two pots and after collecting water, she was carrying one on the trunk region and one on the head and at that juncture, the complainant heard a loud hue and cry. Immediately, she rushed to the spot and found that on the lower lip of the victim girl, there was a blood injury.

5. On enquiry, she revealed that the accused/petitioner held the victim girl tightly and beaten her lower lip and ran away. Police after registering the case, thoroughly investigated the matter and filed charge sheet for the aforesaid offences. The accused was arrested during the course of investigation and sent him to judicial custody.

6. Taking note of the fact that the investigation is completed and charge sheet is filed and also having regard to the gravity of the offence alleged against the petitioner, this court is of the considered opinion that continuation of the present petitioner in judicial custody is no longer warranted.

7. Further, the apprehension of the prosecution can be met with by imposing suitable and stringent conditions. Accordingly, pass the following order:

ORDER

The Criminal petition is allowed subject to the following conditions:

- (1) The accused/petitioner shall be enlarged on bail on executing a bond in a sum of Rs.1,00,000/-(Rupees One Lakh) only with two sureties for the likesum to the satisfaction of the Trial Court.
- (2) The accused/petitioner shall not repeat the similar offence.
- (3) The accused/petitioner shall not tamper with the prosecution witnesses.
- (4) The accused/petitioner shall attend the court regularly and
- (5) The accused/petitioner shall not leave the jurisdiction of Hassan District without prior permission.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.