

(2011) 12 KAR CK 0306
In the Karnataka High Court
Case No : Criminal Petition No. 6121 of 2011

Thimma Raju

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 114, 366, 376
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3 (1) (XII)

Citation : (2011) 12 KAR CK 0306

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : A V Ramakrishna, for the Appellant; Vijaykumar Majage, HCGP, for the Respondent

Final Decision : Allowed

Judgement

B.V. Pinto

1. This petition is filed seeking bail in Crime No.90/2011 of Ramanagar Rural police station, Ramanagar District registered on 30.03.2011 for the offences punishable U/s. 366, 376, 114 of IPC and Section 3(1)(XII) of SC/ ST (Prevention of Atrocities) Act.

2. It is the case of the victim who is aged about 15 years that, she was in love with the petitioner and on the date of the incident, she has called the petitioner over her mobile phone and she has gone to Ramanagar. Thereafter, she remained in the house of the petitioner. The victim was thereafter secured by police. She has given a statement to the effect that, she has voluntarily gone to the place, where the petitioner was called and remained in his house, where he has committed sexual intercourse. Thereafter, police have rescued her on the basis of the complaint of her father.

3. Heard Sri. A.V.Ramkrishna, learned counsel for the petitioner and Sri.

Vijaykumar Majage, learned HCGP for the State/Respondent.

4. The learned counsel for the petitioner submits that, victim is married to petitioner and hence, the offence comes under exception to U/s. 375 of IPC, where the offence is punishable only upto two years.

5. Sri. Vijaykumar Majage, learned HCGP strenuously opposes the application for bail.

6 Without expressing anything about merits of the case and having regard to the peculiar circumstances of this case, I am inclined to grant bail to the petitioner.

7, Accordingly, the petition is allowed. The petitioner is directed to be released on bail on his executing personal bond for Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety for the likesum to the satisfaction of the Court below.