

(2025) 05 KAR CK 0376
In the Karnataka High Court, Principal Bench
Case No : Criminal Appeal No. 930 OF 2025

Thimme Gowda

APPELLANT

Vs

State Of Karnataka By Bagalagunte P.S. & Ors.

RESPONDENT

Date of Decision : 15-05-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2003 — Section 3(5), 69, 89, 115 (2), 118(1), 351(2), 352
Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Amendment
Ordinance, 2014 — Section 3(1)(r), 3(1)(s)

Citation : (2025) 05 KAR CK 0376

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Nataraj D, Sowmya R

Final Decision : Allowed

Judgement

Shivashankar Amarannavar, J

1. The appeal is filed by the accused No(1) praying to set aside the order dated 19.04.2025 passed in Cri.Misc.3067/2025 by LXX Addl. City Civil and Sessions Judge and Spl. Judge, Bengaluru (CCH-71) where under the bail application of the appellant caused in respect of Crime.No.158/2025 of Bagalagunte P.S. registered for offences punishable under Section 115 (2), 118(1), 3(5), 351(2), 352, 69 and 89 of BNS and U/s 3(1) (r), 3(1) (S) of SC/ST Act came to be rejected.

2. Heard the learned counsel for the appellant and learned HCGP for respondent No.1-State. Despite service of notice, Respondent No.2 remained absent and unrepresented.

3. The allegation against the appellant-accused is false promise to marry the respondent No.2. Respondent No.2 was divorcee and she developed relationship with the appellant-accused and it is alleged that she became pregnant and she underwent abortion.

4. The case is still under the investigation. Whether the appellant has made a promise to marry the respondent No.2 and he did not perform the said promise is the matter of investigation and trial. The appellant is in Judicial custody since 05.04.2025. The appellant has undertaken to co-operate with the police in the investigation. Without considering these aspects, the learned Special Court has rejected the bail application of the appellant-accused. The appellant-accused has made out grounds for setting aside the impugned order and grant of bail with conditions. As a result the following:

ORDER

1. The Appeal is allowed.
2. The impugned order dated 19.04.2025 passed in Cri.Misc.3067/2025 by LXX Addl. City Civil and Sessions Judge and Spl. Judge, Bengaluru (CCH-71) is set aside.
3. The appellant is granted bail in Crime No158/2025 of Bagalakunte P.S subject to the following conditions.
 - 1.The appellant/accused shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the trial Court.
 2. The appellant/accused shall cooperate with the police in the investigation.
 3. The appellant/accused shall not tamper the prosecution witnesses.