

(2025) 06 KAR CK 0210

In the Karnataka High Court, Principal Bench

Case No : Criminal Appeal No. 1113 Of 2025 (U/S 14(A) (2))

Vasantha & Ors

APPELLANT

Vs

State By Women Police Station Chikkamagaluru District.
Represented By Public Prosecutor High Court Building,
Bangalore-01 & Ors.

RESPONDENT

Date of Decision : 16-06-2025

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138, 139

Citation : (2025) 06 KAR CK 0210

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : K. Manohara Chari, Saravana S

Final Decision : Allowed

Judgement

M G Uma, J

1. The appellants -accused Nos.2 to 4 are before this Court seeking grant of bail under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act' for short) in the event of their arrest in Crime No.39 of 2025 of Chickmagalur Women Police Station, registered for the offences punishable under Sections 69, 352, 351(2) read with 3(5) of BNS and under Sections 3(1)(r)(s), 3(1)(w)(ii) of SC/ST Act, on the basis of the first information lodged by informant - B R Rakshitha.

2. Heard Sri Girish B Baladare, learned counsel for the appellants and Smt Rashmi Jadhav, learned Additional SPP for respondent No.1-State. 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 appellants are entitled for grant of bail under Section 14-A(2) of

SC/ST (Prevention of Atrocities) Act, 1989?”

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

REASONS

4. The appellants - accused Nos.2 to 4 are seeking grant of anticipatory bail. The appellants are the mother, brother and cousin of accused No.1. It is the contention of respondent No.2 - informant that she came in contact with accused No.1 through social media and accused No.1 promised to marry her. They had physical relationship at first instance on 16.12.2021 on promise to marry. Subsequently, their relationship continued. When she insisted for marrying her, accused No.1 and his family members i.e., the appellants herein started abusing and criminally intimidating her. Accused No.1 refused to marry her. She filed a complaint with Women Police Station on 05.01.2024. There was an enquiry by the police and accused No.1 promised to marry her. Later, accused No.1 and his family members abused her in filthy language by making whatsapp call and accused No.1 refused to marry her. Therefore, she filed first information for the above said offences.

5. It is the contention of the appellants that the informant is a major aged 23 years. According to the informant, the incident occurred on 16.12.2021. Belatedly i.e., after lapse of four years, the present complaint came to be filed. Prima facie, it is a consensual relationship. But now the informant is pressurizing accused No.1 and his family members i.e., appellants herein to agree for the so called promise made by accused No.1. However, the said contention taken by the appellants is to be considered by the Investigating Officer. The only allegations made against the present appellants are that they have criminally intimidated the informant by calling over phone.

6. It is not the contention of learned Additional SPP that the appellants are required for custodial interrogation. The appellants are not having any criminal antecedents. Therefore, I am of the opinion, that the appellants may be granted anticipatory bail subject to conditions, which will take care of the interest of the prosecution as well as interest of the complainant and the witnesses.

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

ORDER

The appeal is allowed.

The appellants are ordered to be enlarged on bail in the event of their arrest in Crime No.39 of 2025 of Chickmagalur Women Police Station.

The appellants are directed to appear before the Investigating Officer within 15 days from the date of receipt of this order and on their appearance, the Investigating Officer shall enlarge them on bail subject to the following conditions:-

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

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