

**Ganesha Vs State Of Karnataka By SHO, Ramanagara Women Ps,
Ramanagara, Reptd By Govt Pleader, High Court Buildings, Bengaluru
560001 & Others**

Court: Karnataka High Court At Bengaluru

Date of Decision: Nov. 9, 2023

Acts Referred: Indian Penal Code, 1860 " Section 114, 363, 376(N)
Protection Of Children From Sexual Offences Act, 2012 " Section 4, 6
Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: S Vishwajith Shetty, J

Bench: Single Bench

Advocate: Basavaraja Barikara, Rangaswamy. R

Final Decision: Allowed

Judgement

S Vishwajith Shetty, J

1. Accused in Spl.C.C.No.65/2023 pending before the Court of I Addl. District and Sessions Judge, Ramanagara, arising out of Crime No.27/2023

registered by Ramanagara Women Police Station, Ramanagara for the offence punishable under Section 363, 376(N), 114 of IPC and Sections 4 and

6 of POCSO Act, is before this court under Section 439 of Cr.P.C.

2. Respondent No.2/defacto complainant who is served in the matter has remained unrepresented.

3. Heard the learned counsel for the parties.

4. On the basis of compliant dated 25.02.2023 lodged by the 2nd respondent who is the father of the victim girl, FIR in Crime No.27/2023 was

registered by the Women Police Station Ramanagara against the petitioner and another for the offence punishable under Section 363 of IPC. During

the course of investigation, the petitioner was arrested on 26.02.2023. Investigation in the case is complete and charge sheet has been filed.

Petitioner's bail application filed before the trial court in CrI.Misc.No.509/2023 was dismissed on 19.07.2023. Therefore the petitioner is before

this court.

5. Learned counsel for the petitioner having reiterated the averments in the petition submits that the petitioner and the victim girl are in love. The

victim is daughter of petitioner's maternal uncle. The complainant has filed an affidavit before the trial court stating that the marriage of the victim

with the petitioner will be performed by the family members after she attains the age of majority. Learned counsel for the petitioner submits that

petitioner has no criminal antecedents and he is in custody from 27.02.2023. Accordingly he prays to allow the petition.

6. Per contra, learned HCGP has opposed the bail petition.

7. The material on record would go to show that the petitioner and the victim girl are closely related and they were in love. The complainant has filed

an affidavit before the trial court which would reveal that his daughter was love with the petitioner and since there was some family dispute between

the two families he had filed a complaint against the petitioner and thereafter at the intervention of the well wishers and close relatives, the parties

have now decided to get the complainant's daughter married to the petitioner after she attains the age of majority. Even otherwise the material on

record would go to show that the victim girl has not made any serious allegations against the petitioner and on the other hand she has stated that she

was in love with the petitioner. The petitioner who has no criminal antecedents is in custody from 27.02.2023. The investigation is completed and

charge sheet has been filed. Therefore, I am of the opinion that the petitioner has made out a case for grant of regular bail.

8. The petition is allowed. The petitioner is directed to be enlarged on bail in Spl.C.C.No.65/2023 pending before the I Addl. District and Sessions

Judge, Ramanagara, arising out of Crime No.27/2023 registered by Ramanagara Women Police Station, Ramanagara for the offence punishable under

Section 363, 376(N), 114 of IPC and Sections 4 and 6 of POCSO Act, subject to the following conditions:

(a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional court.

(b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid

reasons;

(c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

(d) The petitioner shall not involve in similar offences in future;

(e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed

of.