

(2025) 02 KAR CK 0028

Karnataka High Court At Bengaluru

Case No: Criminal Petition No. 5529 Of 2024

B.S. Yeddyurappa

APPELLANT

Vs

Criminal Investigation
Department (Cid) Carlton House,
Palace Road Bengaluru - 560001
Represented By Its State Public
Prosecutor High Court Of
Karnataka & Ors

RESPONDENT

Date of Decision: Feb. 7, 2025

Acts Referred:

- Protection Of Children From Sexual Offences Act, 2012 - Section 8
- Indian Penal Code, 1860 - Section 354A
- Code Of Criminal Procedure, 1973 - Section 41A, 438

Hon'ble Judges: M. Nagaprasanna, J

Bench: Single Bench

Advocate: C.V. Nagesh, Swamini Ganesh Mohanambal, Ravivarma Kumar, Ashok N.Naik,
S. Balakrishan

Final Decision: Allowed

Judgement

M. Nagaprasanna, J

CAV ORDER

1. The petitioner is before this Court seeking grant of anticipatory bail in respect of Crime No.84 of 2024 (re-numbered as Crime No.9 of 2024)

registered for offences punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and under Section 354A of the IPC.

2. Heard Sri C.V.Nagesh, learned senior counsel appearing for the petitioner, Prof. Ravivarma Kumar, learned senior counsel/Special Public

Prosecutor appearing for respondent No.1 and Sri S. Balakrishnan, learned counsel appearing for respondent No.2.

3. The facts, adumbrated, are as follows:-

The petitioner, an octogenarian, and former Chief Minister of the State of Karnataka, avers to be the most decorated politician, having been in politics

for the last 54 years. It is the case of the prosecution that a complaint comes to be registered on 14-03-2024 alleging that the complainant along with

her daughter who was a minor, visits the petitioner to seek help in respect of a cheating case relating to the trading business and her investments. It is

alleged that the complainant spoke for about 9 minutes with regard to the manner in which she was cheated during the said period. At that point in

time, both the mother and the daughter drink tea and leave the house after the said conversation. In the interregnum, it is said that the complainant

insisted the petitioner to get the complainant's case investigated by constituting a Special Investigating Team on the ground that she was cheated

of several crores. It is then, the complainant alleges that the daughter complained to her that she was sexually assaulted by the petitioner taking her

inside the room. This is the complaint so registered on 14-03-2024. The complaint then becomes a crime in Crime No.84 of 2024 initially for offences

punishable under Section 8 of the POCSO Act and Section 354A of the IPC. Thereafter, the investigation is transferred to the Crime Investigation

Department which registers a separate crime renumbering the earlier crime to be Crime No.9 of 2024.

4. A notice under Section 41A of the Cr.P.C. is issued upon the petitioner on 28-3-2024, asking his presence before the Investigating Officer, for

questioning, in connection with the aforesaid crime. The petitioner is said to have given voice sample later. The petitioner on 10-06-2024 was again

called and his statement was recorded. Another notice comes to be issued on 12-06-2024. The petitioner was to be away, from Bangalore and travel

to New Delhi on account of his political commitments previously fixed. The Investigating Officer does not heed to the request for postponement of

recording of statement of the petitioner, the Investigating Officer would secure a warrant of arrest at the hands of the concerned Court, which then

drives the petitioner to this Court in the subject petition. This Court protects the petitioner by directing that no arrest of the petitioner should take place.

During the pendency of the subject petition, the CID conducts investigation and files its final report before the concerned Court. The concerned Court

registers Special C.C.No.1283 of 2024 by taking cognizance against the petitioner and others for the afore-quoted offences and issues summons to all.

Issuance of summons leads the petitioner to file an application seeking amendment of the petition raising a challenge to the entire charge sheet and

proceedings before the concerned Court.

5. The petitioner also files a petition under Section 438 of the Cr.P.C. seeking grant of an anticipatory bail. Though the petitioner has not approached

the concerned Court at the outset seeking anticipatory bail and is directly before this Court, this Court has felt it appropriate to entertain the petition, on

the score that during the pendency of the subject petition seeking anticipatory bail, the final report " the charge sheet has already been filed by the

Investigating agency, the CID.

6. In the light of the filing of the final report by the CID, the petitioner would undoubtedly not be required for any custodial interrogation, as no

investigation is pending against the petitioner.

7. The petitioner, as observed hereinabove, is an octogenarian and has held the position of the Chief Minister of the State of Karnataka and there can

be no apprehension that he would not cooperate with the trial on its ensuing. Therefore, notwithstanding the vehement opposition of the learned

Special Public Prosecutor to grant anticipatory bail to the petitioner, I find it appropriate to entertain the petition, filed before this Court in the peculiar

circumstance and grant anticipatory bail to the petitioner on certain conditions.

8. For the aforesaid reasons, the following:

ORDER:

(a) The Criminal Petition filed by the petitioner under Section 438 of Cr.P.C. is allowed.

(b) The petitioner is ordered to be released on bail in the event of his arrest in respect of Crime No.84 of 2024 (re-numbered as Crime No.9 of 2024)

of Sadashivanagar Police Station pending before the Fast Track Special Court-I, Bengaluru on the following conditions:

(i) The petitioner shall furnish personal bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) with two solvent sureties for the likesum to the satisfaction of the concerned court;

(ii) The petitioner shall not indulge in tampering the prosecution witnesses or hamper the investigation, either directly or indirectly.

(iii) The petitioner shall not leave the jurisdiction of the concerned Court without prior permission.

(iv) The prosecution is at liberty to prefer an application for cancellation of bail, if there is any violation of the aforesaid conditions.

(v) The observations made above are only for the purpose of consideration of the application for anticipatory bail and same shall not in any manner influence the proceedings before the concerned Court.

Ordered accordingly.

Consequently, I.A.No.1 of 2024 also stands disposed.