

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29th DAY OF MAY 2014

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRIMINAL PETITION No.1210/2014

BETWEEN:

Chakravarthy, 21 years,
S/o.Appajaiah,
R/at Mittarahalli, Kolala Hobli,
Koratagere Taluk,
Tumkur District.

...PETITIONER

(By Sri. Javeed.S., Advocate)

AND:

State of Karnataka,
By C.P.I., Magadi Circle Police Station,
Ramanagara District,
Rept. By State Public Prosecutor
High Court Building,
Bangalore-560 001.

...RESPONDENT

(By Sri. K. Nageshwarappa, HCGP)

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This criminal petition is filed under Section 439
Cr.P.C. praying to enlarge the petitioner on bail in
Crime No.362/2013 of Kuduru Police Station,

Ramanagara and Spl. Case No.203/2013 on the file for the Principal District and Sessions Judge, Ramanagara, for the offence punishable under section 366 of IPC and Section 4 of Protection of Children from Sexual Offences Act.

This criminal petition coming on for orders this day, the Court passed the following:

ORDER

Heard the learned counsel for the petitioner and the learned Government pleader.

2. The petitioner is accused of offences punishable under Sections 366 and 376(1) of The Indian Penal Code, 1860 along with Section 4 of The Protection of Children from Sexual Offences Act, 2012. It is alleged that the complainant's daughter was missing from home from 15.9.2013. She was studying in second year P.U.C. and was said to be 17. It is later that she was discovered in the company of the petitioner in Kerala State and from there they were brought to the

police station. It is alleged that the petitioner had abducted the complainant's daughter and had sex with her on a continuous basis, over a period of time. It is on the basis of the minority of the girl a seriousness has been given to the allegations against the petitioner. The petitioner having approached the Court below seeking enlargement on bail, the Court below has rejected the bail application only on the footing that the alleged victim is a minor and notwithstanding the apparent consensual sex between the petitioner and the girl. It has been held that having regard to the minority of the girl, it cannot be said that the petitioner would be absolved of the commission of the crime and therefore has rejected the bail petition.

3. Given the circumstances that the alleged victim had accompanied the petitioner willfully and had travelled long distances without raising any protest and had remained in his company throughout and the fact

that she was indeed a minor would have to be established at the trial. Her alleged minority by itself would not be sufficient to lend gravity to the allegations against the petitioner. In the circumstances, the petitioner is entitled to be enlarged on bail.

4. Accordingly, this criminal petition is allowed. The petitioner shall be enlarged on bail on his furnishing a personal bond for a sum of Rs.50,000/- with a solvent surety for a likesum to the satisfaction of the concerned Court, subject to the following conditions.

- (i) The petitioner shall not directly or indirectly seek to influence the prosecution witnesses.
- (ii) He shall appear before the Investigation officer as and when required and shall co-operate with the Investigating Officer.
- (iii) The petitioner shall attend the Court regularly.

- (iv) In case of violation of any of these conditions, the Court is at liberty to pass suitable orders.

Sd/-
JUDGE

***alb/-**