

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29<sup>TH</sup> DAY OF MAY 2014

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRL.P.No.3156 OF 2014

BETWEEN:

Keshava  
S/o Late Javarachar  
Aged about 24 years  
R/at Anniganahalli Village  
Arakalgud Taluk  
Resident of Salageri  
Arakalagud town  
Hassan District-56 ... Petitioner

(By Shri Pratheep K.C. Advocate)

AND:

The State of Karnataka  
Represented by  
Arakalgud Police Station  
Hassan District  
Rep. by its  
State Public Prosecutor  
High Court of Karnataka  
Bangalore-560 001 ... Respondent

(By Shri K.R.Keshavamurthy, Addl. SPP)

This criminal petition filed under Section 439  
Cr.P.C., by the advocate for the petitioner praying to

release the petitioner on bail in Crime No.299/2013 of Arakalgud Police Station, Hassan, for the offences punishable under Sections 366-A and 376 of IPC read with Sections 4, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012. The Principal Sessions Judge, Hassan has dismissed the bail application in S.C.No.15/14 on 8.5.2014.

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 State Public Prosecutor.

2. The petitioner is accused of offences punishable under Sections 366(A) and 376 of IPC. The complainant is the father of a girl named Shwetha, who is said to have passed her SSLC., and was not occupied otherwise. It transpires that about 7 months prior to September 2013 while she was walking near Doddamma temple at Arakalgud she had fainted and the accused, who was then unknown to her, is said to have taken her on his motorcycle to a doctor and provided first aid. Thereafter, it transpires that he

continued to contact her and sent frequent messages and developed a relationship. It is further alleged that the petitioner had eloped with her and stayed at Bangalore for several days. It is thereafter the Complainant had lodged a case of the girl missing and it was later that the petitioner along with the girl had been taken into custody by the police and a case had been registered after they were found together by the police on 21.9.2013. Therefore, it was alleged that the petitioner had taken advantage of the minority of the girl, seduced her and committed rape on her. It is in this background, the case has been registered.

3. From the facts and circumstances of the case, it appears that there was consensual sex between the petitioner and the alleged victim. However, since the case would hinge on the question of the minority of the girl, it should be established at the trial. It is stated that she had passed her SSLC, in which event; it is difficult to accept that she was only 16 years of age.

Therefore, the petition is *allowed* and the petitioner is enlarged on bail subject to the following conditions:-

- (i) The petitioner shall execute a personal bond for a sum of Rs.40,000/- (Rupees Forty thousand only) with one surety for a likesum to the satisfaction of the concerned Court.
- (ii) The petitioner shall not directly or indirectly seek to influence the prosecution witnesses.
- (iii) He shall appear before the Investigation officer as and when required and shall co-operate with the Investigating Officer.
- (iv) The petitioner shall attend the Court regularly.
- (v) In case of violation of any of these conditions, the Court is at liberty to pass suitable orders.

Sd/-  
JUDGE

cp\*