

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. 1938/2014

BETWEEN:

Vaseem Pasha, s/o Jabiulla,
Aged 24 years,
R/at No.307, 6th Cross,
Rehmania Nagara,
Ramanagara Town – 562117.

.....PETITIONER

(By Sri. Manjunath B.R. Advocate)

AND:

State of Karnataka
By Ramanagara Town Police,
Reptd. By State Public Prosecutor,
High Court of Karnataka,
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 Spl. Case No. 14/2014 of Ramanagara Town P.S. Ramanagara, on the file of Prl. Dist and S.J.

Ramanagara, for the offences punishable under Sections 366, 344, 368, 506 of IPC and Sec. 4 of the Protection of Children from sexual offences Act, 2012.

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 said to be accused of offences punishable under Sections 366, 344, 368, 506 of IPC and Section 4 of The Protection of Children from Sexual Offences Act, 2012.

3. The complainant has alleged that she was seduced by the petitioner and on the promise of marriage, he had firstly brought her to Bangalore and obtained several signatures on blank papers for reasons best known to the petitioner. Thereafter he had taken her to a picnic spot called Bluff and from there he had taken her to Mandya and from Mandya to

Ramnagar and after spending time at all the above places, he had finally despatched her home. It is after coming home that she had lodged a complaint of offences punishable under Sections 366, 344, 368, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012. Notwithstanding the seeming participation and consensual sex on the part of the complainant the allegation is that the petitioner had taken advantage of her minority. It is claimed that she was 17 years old. This fact would have to be established at the trial. Since the gravity of the offence alleged would depend on the minority or otherwise of the complainant and the Court below having rejected the bail petition, notwithstanding the same, this Court is of the opinion that the petitioner has made out a case for enlargement 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.30,000/- 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/-.**