

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER 2014

BEFORE

THE HON'BLE MRS.JUSTICE RATHNAKALA

CRIMINAL PETITION No. 7675 OF 2014

BETWEEN:

1. WASIM
S/O. SEEPUR AKRAM
AGED ABOUT 25 YEARS
2. MUJASIM
S/O. SEEPUR AKRAM
AGED ABOUT 20 YEARS
3. SUHEL @ THAHEER
S/O. SEEPUR AKRAM
AGED ABOUT 18 YEARS

ALL ARE R/A. MAHALAKSHMI LAYOUT
KOLAR - 563101

...PETITIONERS

(BY SRI. Y.R.SADASIVAREDDY, SR. COUNSEL)

AND:

STATE BY KOLAR TOWN POLICE STATION
REPRESENTED BY S.P.P.
HIGH COURT OF KARNATAKA
BANGALORE - 560001

... RESPONDENT

(BY SRI. K. NAGESHARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 CR.P.C. PRAYING TO DIRECT THE RESPONDENT – POLICE TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME No. 262/2014 REGISTERED AT KOLAR TOWN P.S., KOLAR FOR THE ALLEGED OFFENCES P/U/S 323, 354(B), 506 R/W 34 OF IPC AND U/S 8 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2014; AND ETC.

THIS CRIMINAL PETITION IS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 438 Cr.P.C.

2. These petitioners are accused for the offences under Sections 364(B), 506, 323 r/w 34 IPC on the complaint of one Kum. Noor Fathima, aged 16 years. The gist of the allegation is that, on 17/10/2014 at 7 p.m., while the complainant was proceeding on the road, the accused followed her, dragged her and abused her filthily. When her brother questioned the accused, they gathered 8 to 10 rowdy elements and the rowdy elements assaulted her brother thereby causing bleeding injury. The accused persons attempted to molest her and vowed to commit rape on her. That

apart, put threat to her life, if ever she discloses the incident to others.

3. Learned counsel for the petitioners submit that the second accused had suffered fracture injury for last one year. He is under treatment and unable to move about on his own, without clutches. That by itself establishes that it is a false case lodged in view of the previous enmity ensuing between the families of the complainant and the accused persons. Petitioners 2 and 3 are students and all the accused are permanent residents of Kolar. They apprehend arrest in view of the complaint lodged on them and hence pray for grant of anticipatory bail.

4. The offences alleged are triable by Magistrate court. Having regard to the facts of the case that the incident did not culminate in any serious injury either to the complainant or her brother and that the accused persons are persons of known identity, without criminal

antecedents, I hold that, there is no impediment to grant anticipatory bail, subject to conditions.

5. Accordingly the petition is allowed. Petitioners are granted anticipatory bail for a period of 3 months. In the event of their arrest within this period, they shall be enlarged on bail on executing self bond for Rs.50,000/- each, along with one surety for the likesum. However, they shall cooperate with the I.O. during the further course of investigation and shall not threaten the complainant and prosecution witnesses.

**Sd/-
JUDGE**

Rd/-