

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 31ST DAY OF MARCH 2015

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION No.200337/2015

Between:

1. Lokesh
S/o: Thippanna Guddenavar,
Age: 18 Years, Occ: Student,
2. Rahul
S/o: Sharnappa Guddenavar,
Age: 18 Years, Occ: Student,
3. Yeshappa
S/o: Thippannappa Guddenavar,
Age: 19 Years, Occ: Student,
4. Nagesh S/o: Pandit,
Age: 18 Years, Occ: Student,
5. Ravi S/o: Sharnappa,
Age: 18 Years, Occ: Student,

All are R/o: Sindabandgi,
Tq: Humnabad, Dist: Bidar.

... Petitioners

(By Sri Avinash.A.Uploankar, Advocate)

And:

The State through
Hallikhed-B Police Station,
Dist: Bidar.

... Respondent

(By Sri P.S.Patil, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C. praying to, release the accused/petitioners on bail in Special case No.10/2015 (Crime No.142/2014) of Hallikhed-B Police Station, Dist: Bidar, which is registered for the offences P/U/S. 143, 147, 323, 324, 354 (A), (B), 504, r/w 149 of IPC and under Section 8 of Children from Sexual Offences Act, 2012.

This petition coming on for Orders this day, the Court made the following:

ORDER

Heard the learned counsel for the petitioners and learned High Court Government Pleader. Perused the records.

2. The police have charge-sheeted the petitioners for the offences punishable under Sections 143, 147, 323, 324, 354, 504 r/w 149 of IPC and Section 11(i) of POCSO Act, 2012 in Special

Case No.10/2015 on the file of the Principal Sessions Judge Bidar.

3. The brief allegations made against the petitioners are that, one Mr.Sangram S/o Govind Chavan of Sakrunayak Tanda, Tq: Narayankhed, Dist: Medak (A.P), lodged a complaint stating that, on 21.11.2014 in the evening at about 6.40 p.m., sister of the complainant by name Sakabai aged 17 years after attending the nature call, when she was coming back to the house near B.S.S.K factory premises about five to six persons who were gathered there forming into an unlawful assembly caught hold the hand of the complainant's sister, immediately the said girl screamed for help, the complainant, his brother and wife had been to that place and saw that five to six were forcing the sister of the complainant for sexual activity. When the complainant questioned the said illegal act of those persons they have assaulted the complainant and others. The said five to six persons were unknown to the complainant and in fact on the basis of such information the

police have registered a case and investigated the matter and filed the charge sheet.

4. It appears one of the accused person later identified by the victim girl and rest of the petitioners were caught by the police on the information given by the person who was identified by the complainant and others. The petitioners were arrested about three months back and since then they have been in judicial custody. The age of the petitioners is between 18 to 19 years and they are young boys who were alleged to have been indulged in such an activity and they must have learnt a lesson by this time what would happen if they commit such mistakes. The offences are punishable maximum up to five years and none of the offences are punishable with death or imprisonment for life. Further, added to that the police have already filed the charge sheet and the accused persons are no more required for any further investigation. The wound certificate produced before the Court pertaining to the complainant, his brother and sister shows that they have suffered some simple injuries. Looking to the nature of

the allegations, facts of the case, nature of punishment prescribed to the offences and the accused persons have already being in custody for more than three months and they undertake to abide by any conditions that may be imposed by the Court, I am of the opinion, the petitioners are entitled to be enlarged on bail particularly under Section 439 of Cr.P.C.

5. Hence, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioners shall be released on bail in connection with Special Case No.10/2015 pending on the file of the Principal Sessions Judge, Bidar, for the offences punishable under Sections 143, 147, 323, 324, 354, 504 r/w 149 of IPC and Section 11(i) of POCSO Act, 2012, subject to following conditions:

- i) The petitioners shall execute a personal bond for a sum of ₹1,00,000/- (Rupees One Lakh Only) each

with two solvent sureties for the likesum to the satisfaction of the trial Court.

- ii) The petitioners shall not indulge in tampering the prosecution witnesses.
- iii) The petitioners shall appear before the Court on all the future hearing dates unless prevented by any genuine cause.
- iv) The petitioners shall not leave the jurisdiction of the Bidar District without prior permission of the trial Court, till the disposal of the case on merits.

**Sd/-
JUDGE**

*MSR**