IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF DECEMBER, 2017

BEFORE

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

CRIMINAL PETITION NO.8940/2017

BETWEEN:

SANNAGIDDAIAH
S/O LATE JAWARAIAH
AGED ABOUT 45 YEARS
R/O MALALI VILLAGE
HALEKOTE HOBLI
HOLENARASIPURA TALUK
HASSAN DISTRICT – 573 211.

... PETITIONER

(BY SRI CHETHAN B., ADV.)

AND:

STATE OF KARNATAKA
HOLENARASIPURA CITY POLICE STATION
HASSAN DISTRICT – 573 211
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

...RESPONDENT

(BY SRI K. NAGESHWARAPPA, HCGP)

     THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.274/2017 OF HOLENARASIPURA TOWN POLICE STATION, HASSAN DISTRICT FOR THE OFFENCE P/U/S. 376 OF IPC.

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

ORDER

This petition is filed by the petitioner under Section 439 of Cr.P.C. seeking his release on bail in Crime No.274/2017 for the offences punishable under Section 376 of IPC registered by the respondent-Police.

2.   The allegation against the accused is that when the complainant was waiting for her husband, the accused made use of her husband's absence assaulted her and tried to outrage her modesty. During that time, the complainant shouted and at that time, Prakash and Giddanna came there and on seeing them, the accused ran away.   She informed the same to them and filed a complaint against the accused.

3. Heard the learned Counsel for the petitioner and the learned High Court Government Pleader for the respondent/State.

4. Learned Counsel for the petitioner would submit that the petitioner has been victimized for a false complaint in connection with water dispute. Hence, he may be enlarged on bail.

5. I have given my sincere consideration to the statement of the victim. The petitioner is in judicial custody since 30.09.2017. I do not find any ground to allow this petition. Accordingly, petition is rejected reserving liberty to the petitioner to make an application before the Sessions Judge after examination of the victim.

Sd/-
JUDGE

SA