

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2018

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

**CRIMINAL PETITION No.2961 OF 2018**

**BETWEEN:**

M. Gangadhara,  
S/o. Manjunatha,  
Aged about 20 years,  
R/at. Masilahalli village,  
Chinthamani Thaluk,  
Chikkaballapura District – 563 125 ...Petitioner

(By Sri. K. N. Narayana Swamy, Advocate)

**AND:**

The State of Karnataka  
Chinthamani rural Police Station,  
Rep: by State Public Prosecutor,  
High Court of Karnataka,  
Bengaluru – 560 001. ...Respondent

(By Sri. S. Vishwa Murthy, HCGP)

This Criminal petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.86/2018 of Chinthamani Rural Police Station,

Chikkaballapur District for the offences p/u/s 363, 376 of IPC and Section 4, 8, 12 of Protection of Children from Sexual Offences Act.

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

**ORDER**

This petition is filed under Section 439 of Cr.P.C. seeking regular bail in Crime No.86/2018. Investigation is completed and charge sheet is laid against the petitioner under Sections 366 and 376 of IPC and under Sections 4, 8 and 12 of POCSO Act, 2012.

2. Heard the learned counsel for the petitioner and learned High Court Government Pleader.

3. The learned HCGP has not filed any statement of objection, but has orally opposed the petition.

4. The case of the prosecution is that the petitioner herein abducted the victim aged about 17 years and took her to Appalakunta, Hindupur Taluk, Andhra Pradesh and kept her

in a rented room and committed forcible intercourse on 03.03.2018. On the following nights also he committed forcible intercourse on the victim and on 06.03.2018, he brought her back and left her in the village.

5. The learned counsel for the petitioner submits that the victim herself went along with the petitioner; they were in love with each other; there was no force or coercion, or intimidation by the petitioner in whatsoever manner. The medical evidence does not support the case of the prosecution. Moreover, the investigation is completed and therefore, the custody of the petitioner is not required to be extended. Hence, he seeks for enlargement of the petitioner on bail.

6. Learned High Court Government Pleader submits that *prima facie* material is available to establish the fact that the petitioner abducted the victim and thereafter, subjected her to continuous sexual assault and rape. The victim was a

minor. The medical evidence is also in support of the case of the prosecution and therefore, petitioner is not entitled for bail at this stage.

7. Considered the submissions. Perused the charge sheet.

8. According to the prosecution, the victim was aged about 17 years as on the date of commission of offence. She has clearly implicated the accused in her statement and has narrated the overtacts committed by him which squarely attract the offences under Sections 366 and 376 of IPC. The medical evidence is consistent with the case of the prosecution and therefore, having regard to the *prima facie* material collected by the Investigation Agency and the minority of the victim, in my view, if the petitioner is enlarged on bail there is every likelihood of the petitioner either threatening or prevailing upon the victim.

9. Having regard to the seriousness of the charges and the manner in which the petitioner has committed the above offences against a minor victim, the petitioner is not entitled for bail.

Hence, the petition is ***rejected***.

**Sd/-  
JUDGE**

MH/-