

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No. 2178/2020

BETWEEN

Prabhu Jayaraj S.G.,
S/o Late Jayaraj,
Aged about 52 years,
Residing at No.26, 4th Cross,
Kaverinagar, Arabic College Post,
Bangalore-560 045.

...Petitioner

(By Smt. Monica Patil, Advocate)

AND

1. State of Karnataka
By Kadugondanahalli Police Station,
Bangalore-560 045.

Represented by the Public Prosecutor
Attached to the Hon'ble High Court of
Karnataka.

2. Smt. Lakshmi K.V.,
W/o Sri. Siddalingeshwara B.K.,
Aged 34 years,
Residing at Kereguddadahalli,
Near Bus Stop, Abbigere Post,
Bengaluru- 560 090.

...Respondents

(By Sri. Diwakar Maddur, HCGP for Respondent No.1;
Respondent No.2-Served)

This Criminal Petition is filed under section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.367/2018 of Kadugondanahalli Police Station, Bengaluru for the offence P/U/S 376-C, 114, 118, 506 of IPC and Sec. 5(f), (m), 6 and 8 of the POCSO Act.

This Criminal Petition coming on for orders this day, the court made the following:

ORDER

Copies of the petition is served on the complainant/respondent No.2.

2. This is a petition under section 439 Cr.P.C. Petitioner is facing trial for the offence under sections 376-C, 114, 506 of IPC and sections 5(f), (m) and 6 and 8 of the POCSO Act.

3. Petitioner's counsel submits that there was a direction to the trial court to complete the trial within two months and the same is not completed. The evidence given by the witnesses do not disclose prima facie case against the petitioner. She also submits that the

petitioner's mother died on 3.4.2020 and to enable the petitioner to perform the last rites, the petitioner may be released on bail. Petitioner also submits that the trial court has recorded statement of the accused under section 313 Cr.P.C.

4. Going by the submissions made by the petitioner's counsel, it may be stated that the case will be disposed of at the earliest, for statement of accused has already been recorded under section 313 of Cr.P.C. The disposal of the case may not take much time. Once accused is examined under section 313 Cr.P.C, the next stage is arguments and then judgment unless the accused applies for leading defence evidence.

5. With regard to another submission that the evidence given by the witness does not disclose prima facie case, it is to be stated that this court cannot look into oral testimonies of the witnesses before the trial court applies its mind to the evidence. Therefore this ground cannot be considered. Over all circumstances are such

that the petitioner is not entitled to be enlarged on bail.
Petition is therefore dismissed.

**SD/-
JUDGE**

ckl