

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE B.A.PATIL

CRIMINAL PETITION NO.4683/2020

BETWEEN :

Anil S. Reddy
S/o Sanjeev Reddy
Aged about 30 years
No.6, 1st Main Road
Agra, Bangalore Branch
Pin Code-560 102.

... Petitioner

(By Sri Ranganath Reddy R., Advocate)

AND :

State by
HSR Police Station, Bengaluru,
Represented by State Public Prosecutor
High Court of Karnataka
Bengaluru-560 001.

... Respondent

(By Sri Mahesh Shetty, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest in Crime No.138/2020 registered by HSR Layout Police Station, Bengaluru City for the offence punishable under Sections 354-B, 506, 504, 341, 149, 509, 323 of Indian Penal Code.

This Criminal Petition coming on for orders '**through video conference**' this day, the Court made the following:-

ORDER

This petition is filed by accused No.2 under Section 438 of Cr.P.C. to grant anticipatory him anticipatory bail in Crime No.138/220 of HSR Layout Police Station, for the offences punishable under Sections 354B, 506, 504, 341, 149, 509, 323 of IPC (pending on the file of XXXVII Additional CMM Court, Bengaluru).

2. I have heard Sri Ranganath Reddy R., learned counsel for the petitioner-accused No.2 and Sri Mahesh Shetty, learned HCGP for the respondent-State.

3. The brief facts of the case are that the on 4.9.2020 at about 4.45 p.m., the complainant along with her friends had visited HSR Layout Park in the usual course for her everyday fitness workout. At about 5.00 p.m., a person came and told that there is an objection regarding the complainant exercising in the Park from

accused No.1. Accused No.1 abused the complainant in filthy language and made foul comments on the clothes worn by her. Accused No.2 threatened her with physical violence under the instructions of accused No.1 and also made statements against her and her friends in public and about the clothes worn by her. On the basis of the said complaint, a case has been registered.

2. It is the submission of the learned counsel for the petitioner-accused No.2 that *ex facie* there is no averment to make any attempt to disrobe the complainant. Only false allegations have been made which are not tenable in law and not punishable with death or imprisonment for life. The petitioner is ready to abide by the conditions imposed by this Court and ready to offer the sureties. On these grounds, he prayed to allow the petition.

3. Though it is contended by the learned HCGP that accused No.2 at the instance of accused No.1 has

threatened the complainant with physical violence, that is a matter which has to be considered and appreciated only at the time of trial. The alleged offences are not punishable with death or imprisonment for life. By imposing some stringent conditions, if the petitioner-accused No.2 is ordered to be released on anticipatory bail, it would meet the ends of justice.

Accordingly, the petition is ***allowed*** and the petitioner-accused No.2 is granted anticipatory bail. In the event of his arrest in Crime No.138/220 of HSR Layout Police Station, for the offences punishable under Sections 354B, 506, 504, 341, 149, 509, 323 of IPC (pending on the file of XXXVII Additional CMM Court, Bengaluru), accused No.2-petitioner herein is ordered to be released, subject to the following conditions:-

- i) Petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees two lakhs only) with two sureties for the like sum to the satisfaction of the Investigating Officer.*

- ii) *He shall surrender before the Investigating Officer within twenty days from today, failing which this order automatically stands cancelled.*
- iii) *He shall co-operate with the Investigation as and when required.*
- iv) *He shall not tamper with the prosecution evidence in any manner.*
- v) *He shall not leave the jurisdiction of the trial Court without prior permission.*
- vi) *He shall not indulge in similar type of criminal activities in future.*

In view of the disposal of the petition, I.A. No.1/2020 is also disposed.

Sd/-
JUDGE

*ck/-