

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF OCTOBER, 2021**

**BEFORE**

**THE HON'BLE MR. JUSTICE K. NATARAJAN**

CRIMINAL PETITION NO.4585 OF 2021

**BETWEEN:**

SRINIVAS C.  
S/O. LATE CHINNAPPA,  
AGED ABOUT 39 YEARS,  
RESIDENT OF NO.445,  
15<sup>TH</sup> CROSS, 15<sup>TH</sup> MAIN,  
BSK 3<sup>RD</sup> STAGE, ERANNAGUDDE,  
GIRINAGAR,  
BENGALURU - 560 085.

... PETITIONER

(BY SRI SUNIL KUMAR PATEL, ADV.)

**AND:**

1. STATE OF KARNATAKA  
BY SUBRAMANYAPURA POLICE STATION,  
REPRESENTED BY H.C.G.P.,  
HIGH COURT OF KARNATAKA,  
BENGALUR - 560 001.

2. BHAAMA  
W/O. LATE VELU,  
AGED ABOUT 36 YEARS,  
RESIDING AT NO.29,  
JAMIA MASJID ROAD,  
OLD WATER TANK ROAD, UTTARAHALLI,  
BENGALURU - 560 061.

... RESPONDENTS

(BY SRI R.D. RENUKARADHYA, H.C.G.P., FOR R-1, &  
R-2 IS SERVED AND UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.103 OF 2020 OF SUBRAMANYAPURA POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 376(2)(i) AND 506 OF THE IPC AND SECTIONS 5(L) AND 6 OF THE POCSO ACT.

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

### **ORDER**

This petition is filed by the accused under Section 439 of the Code of Criminal Procedure, 1973, for granting regular bail in Crime No.103 of 2020 registered by Subramanyapura Police Station, Bengaluru, for the offences punishable under Sections 376(2)(i) and 506 of the Indian Penal Code, 1860, and under Sections 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard the arguments of the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State. Respondent No.2-complainant is served and unrepresented.

3. The case of the prosecution is that, on 5-7-2020, Smt. Bhama, mother of the victim, lodged a complaint alleging that she was married to Velu on 10-6-2005 and out of the said wedlock, she has a daughter and a son, who are aged 14 years and 9 years respectively. Her husband-Velu died on 2-8-2017. At that time, she came in contact with the petitioner and married him on 29-1-2018. When things stood thus, one week before to the date of lodging the complaint, the victim informed her that she is unable to stay in the house and was not having her food properly. When she questioned with her, she told that when she used to go to the work, the petitioner used to touch her private parts and used to commit rape on her. Even on 4-7-2020, he committed rape on her. Hence, the complainant prayed to take action against him. The petitioner was arrested on 6-7-2020 and remanded to judicial custody. Since then, he is in custody. The petitioner approached the Sessions Court for granting bail, which came to be rejected. Hence, this petition.

4. Learned counsel for the petitioner has contended that, the petitioner is innocent of the offences alleged. Though the petitioner is the step-father, he used to take care of the wife and her step-daughter. The wife of the petitioner has lodged a false complaint against the petitioner, as the petitioner informed that he wants to join his first wife and the victim is the mouth piece of the complainant. He is in custody for more than one year. He is ready to abide by any of the conditions that may be imposed by the Court. Hence, he prayed for allowing the petition.

5. *Per contra*, the learned High Court Government Pleader has objected the petition and contended that, there is sufficient material placed against the petitioner that he committed rape on the victim, who is aged 14 years. Hence, he prayed for dismissing the petition.

6. Upon considering the arguments and perusal of the record, admittedly, the victim's mother married the petitioner on 29-1-2018, after the death of her first husband. The victim informed the act of the petitioner to her mother and hence, she lodged the complaint and the Police registered the case. Medical record of the victim reveals that there is tear in hymen, which shows there is sexual assault on the victim. The statement of the victim recorded under Section 164 of the Cr.P.C. reveals that there was continuous sexual assault on the victim. The trial has begun. Therefore, at this stage, if the petitioner is granted bail, there is every possibility of he absconding from the case and tampering with the prosecution witnesses is not ruled out. Hence, I am of the view that the petitioner is not entitled for bail.

Accordingly, the petition is ***dismissed***.

**Sd/-  
JUDGE**

kvk