



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2023

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 9563 OF 2022

BETWEEN:

PAVAN
S/O MALIYAPPA
AGED ABOUT 26 YEARS
R/AT HOSAKALLANAYAKANAHALLI
KASABA HOBLI
ARSIKERE TALUK-573103
HASSAN DISTRICT.

...PETITIONER

(BY SRI JAGADEESH H. T., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
THROUGH ARSIKERE RURAL POICE STATION
ARSIKERE TALUK - 573103
REP BY SPP
HIGH COURT OF KARNATAKA
BANGALORE-560001.

2. XYZ
D/O SRINIVASA
AGED ABOUT 14 YEARS
SINCE SHE IS MINOR
REP. BY THEIR NATURAL GUARDIAN I.E. MOTHER
SMT. JAYALAKSHAMMA
W/O SRINIVASA
AGED ABOUT 40 YEARS
R/AT HOSAKALNAYAKANAHALLI



VILLAGE
KASABA HOBLI
ARSIKERE TALUK-573103.

...RESPONDENTS

(BY SRI K. RAHUL RAI, HCGP FOR R1;
VIDE ORDER DATED 08.12.2022,
NOTICE TO R2 HELD SUFFICIENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN SPL.C. NO.366/2022 (CR. NO.82/2022) OF ARASIKERE RURAL P.S., HASSAN DISTRICT FOR THE OFFENCE PUNISHABLE UNDER SECTION 341, 354D, 506 OF IPC AND SECTION 10 AND 12 OF POCSO ACT ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE AT HASSAN.

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

ORDER

The petitioner-accused is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.82/2022 of Arasikere Rural Police Station, Hassan, pending in Spl.C.No.366/2022 registered for the offences punishable under Sections 341, 354(D) and 506 of the Indian Penal Code (for short 'IPC'), on the basis of the first information lodged by the informant Harshitha.

2. Heard Sri.Jagadeesh.H.T., learned Counsel for the petitioner and Sri.K.Rahul Rai, learned High Court



Government Pleader for the respondent -State. Perused the materials on record.

3. Learned Counsel for the petitioner submitted that the petitioner is the sole accused. He has not committed any offences as alleged. He has been falsely implicated in the matter without any basis. He was apprehended on 12.06.2022 and since then he is in judicial custody. The only allegation made against the petitioner is that he illegally restrained victim girl, tried to outrage her modesty and gave life threat to her. The offences are not punishable either with death or life imprisonment. Investigation is completed and charge sheet is also filed. Detention of the petitioner in custody would amount to pre-trial punishment as he is not required to be detained in custody for any purpose except to ensure his presence before the trial court. The petitioner is the permanent resident of the address mentioned in the cause title to the petition and is ready



and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

4. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences. The victim has forwarded the objections for releasing the petitioner on bail as there is reasonable apprehension of the petitioner committing offence of throwing acid on the victim, if in case he is released on bail as he is criminally intimidated. There is every possibility of the victim leaving village along with her family to save herself. Under such circumstances, the petitioner is not entitled to be enlarged on bail. Hence, he prays for dismissal of the petition.

5. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:



"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Negative' for the following:

REASONS

6. The allegations made against the petitioner is that, he illegally restrained the victim every now while she was going and coming back from the school and insisted her to love him. He was also threatening to throw acid on her if she fails to co-operate with him. After investigation, charge sheet is filed. It is noticed that the statement of the victim under Section 161 of Cr.P.C. was also recorded before the Magistrate wherein she has stated about the offence committed by the accused. The objections forwarded by the victim for grant of bail to the petitioner discloses that the accused is the resident of the same village and victim and her family members are having life threat as it is the only house of their community situated



in the village. The apprehension expressed by the victim is very reasonable. If the accused executes his threat of throwing acid, the same cannot be undone at any cost. Therefore, I am of the opinion that it is not a fit case for grant of bail at this stage.

7. Accordingly, I answer the above point in the *negative* and proceed to pass the following:

ORDER

The petition is ***dismissed***.

**Sd/-
JUDGE**