



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 3166 OF 2024

BETWEEN:

SRI. HEMANTH KUMARA B D @ KUMARA,
S/O SRI. DEVARAJ,
AGED ABOUT 22 YEARS,
R/AT BITTAGOWDANAHALLI VILLAGE,
DODDAMAGGE HOBLI,
ARAKALGUDU TALUK
HASSAN DISTRICT - 573 133

...PETITIONER

(BY SRI. SHIVARAMA D.A., ADVOCATE)

AND:

1. STATE BY ARAKALAGUDU P.S.,
REPRESENTED BY SPP
HIGH COURT COMPLEX,
BANGALORE - 560 009.

2. SMT. BHAVYA,
W/O SRI. RAVI,
AGED ABOUT 32 YEARS,
R/AT BITTAGOWDANAHALLI VILLAGE ,
DODDAMAGGE HOBLI
ARAKALGUDU TALUK
HASSAN DISTRICT - 573 133

...RESPONDENTS

(BY SRI. K.P. YASHODHA, HCGP FOR R1;
R2 SERVED)





THIS CRL.P IS FILED U/S.439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN SPL.C.NO.18/2024 (CR.NO.272/2023) OF ARAKALAGUD P.S., HASSAN DISTRICT FOR THE OFFENCE P/U/S 376 OF IPC AND SEC.4,6 OF POCSO ACT ON THE FILE OF THE HONBLE ADDL.DISTRICT AND SESSIONS JUDGE, FTSC-1, HASSAN

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

ORDER

The petitioner-accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.272/2023 of Arakalagud Police Station, Hassan District pending in SPL.C.No.18/2024 pending on the file of the learned Additional District and Sessions Judge, FTSC-1 Hassan, registered for the offences punishable under Section 376 of the Indian Penal Code, 1860 (for short 'IPC') and Section 4 and 6 of POCSO Act, on the basis of the first information lodged by the informant viz., Bhavya.

2. Heard Sri.Shivarama D.A., learned counsel for the petitioner and Smt.K.P.Yashodha, learned High Court



Government Pleader for the respondent No.1-State.

Perused the materials on record.

3. 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

4. The petitioner being the sole accused is seeking grant of bail. He was apprehended on 29.11.2023 and since then, he is in judicial custody. The mother of the victim lodged the first information making serious allegations. The victim was aged only 15 years. Her statement under Section 164 of Cr.P.C was recorded by the learned Magistrate, wherein she has fully supported



the case of the prosecution and stated that she was forcibly taken by the petitioner, threatened her and committed penetrative sexual assault repeatedly. The medical records disclose that she was pregnant and DNA test was done according to which the petitioner is the biological father of the foetus. The investigation is completed and charge sheet is filed. The matter is pending before the trial court for trial. Considering the nature and seriousness of the offence, I am of the opinion that the petitioner is not entitled to be enlarged on bail.

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

ORDER

The petition is ***dismissed.***

**Sd/-
JUDGE**

SS
List No.: 1 Sl No.: 10