

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF MAY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.4397/2022

BETWEEN:

RAGHAVENDRA S,
S/O SHANKARAPPA,
34 YEARS,
CRPF POLICE,
WORKING IN SRINAGAR, JK.
PERMANENT R/O SUTTUKOTE VILLAGE,
HARAMAGATTA POST,
SHIMOGA TQ-577201.

...PETITIONER

(BY SRI PRASAD B .S., ADVOCATE)

AND:

THE STATE OF KARNATAKA BY
HONNALI POLICE STATION,
ALSO REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.

...RESPONDENT

(BY SRI MAHESH SHETTY, HCGP FOR STATE,
SRI KESHAV M. DATAR, ADVOCATE FOR COMPLAINANT)

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 CR.NO.65/2022 OF HONNALI P.S., DAVANAGERE FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 376(2)(n), 506, 114 READ WITH 34 OF IPC.

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

ORDER

This petition is filed under Section 438 of Cr.P.C. praying this Court to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.65/2022 registered by Honnali Police Station, Davangere, for the offence punishable under Sections 376(2)(n), 506, 114 read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State.

3. The factual matrix of the case of the prosecution is that the victim girl in the complaint has stated that this petitioner and victim girl both were loving each other from last three years and this petitioner is working in army. That on 14.01.2020, he took her near the hill lock of Padaranganathaswamy Temple, Honnali Taluk and promising that he would marry her subjected her for sexual act and inspite of she resisted he did not allow her to resist and when she told that she would tell the same to her parents he threatened her not to reveal the same. Taking advantage of the same, again he subjected her for sexual act and that on 23.04.2021, once again

he subjected her for sexual act and left the place saying that he is going to Jammu. When he came back in the month of March 2022, her father went and asked him to marry her and he refused to marry her and demanded Royal Enfield bike, 14 tolas of gold and Rs.3 lakhs cash. Hence, the case has been registered under Sections 376(2)(n), 114, 506, read with 34 of IPC against this petitioner and also other two accused persons.

4. The learned counsel for the petitioner submits that the Trial Court has already granted bail in favour of accused Nos.2 and 3 and in respect of this petitioner rejected the bail petition. The learned counsel submits that on 23.04.2021, this petitioner was in Jammu and question of subjecting her for sexual act does not arise and false implication is made and he is in army and he may be granted bail and any conditions may be imposed to assist the Investigating Officer.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State submits that the petitioner has committed heinous offence subjecting her for sexual act promising her that he would marry her and subsequently also subjected her for sexual act. The learned

counsel submits that medical examination report also says that she was subjected to sexual act and apart from that, 164 statement of the victim was also recorded, wherein she has categorically stated about the act of this petitioner and when he refused to marry her, she made an attempt to commit suicide by consuming phenyl and was treated in hospital.

6. The learned counsel for the complainant through the learned counsel for the State placed the documents before the Court with regard to screen shots of the conversation between the petitioner and the original complainant, call logs, photographs, CD of the screen shots, photos, videos and audio recording between the petitioner and the original complainant. The learned counsel vehemently contend and with the promise to marry her, subjected her for sexual act and hence he is not entitled for bail.

7. Having heard the respective learned counsel and also on perusal of the material available on record, particularly the documents which have been placed before the Court i.e., the document of photographs, videographs, screen shots and call logs and screen shots of the conversation between the petitioner

and original complainant, specific allegation is made by the victim girl against this petitioner that he subjected her for sexual act promising that he would marry her. The medical records discloses that she was subjected to sexual act and apart from that, she made an attempt to commit suicide by consuming phenyl and the same is reiterated in her 164 statement. The petitioner is a CRPF person cannot be a ground to enlarge him on the bail. The material placed before the Court prima facie discloses allegation made against the petitioner herein including 164 statement of victim girl. When such being the factual aspects of the case and when this petitioner committed heinous offence of sexual act, it is not a fit case for exercising the discretion under Section 438 of Cr.P.C.

8. In view of the discussions made above, I pass the following:

ORDER

The petition is rejected.

**Sd/-
JUDGE**

MD