



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

**DATED THIS THE 25<sup>TH</sup> DAY OF OCTOBER, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY**

**CRIMINAL PETITION NO.10061 OF 2024**

**BETWEEN:**

PRAKASH K.  
S/O. KANNAPPA  
AGED ABOUT 33 YEARS,  
R/AT NO.100,  
NEAR PROVIDENT APARTMENTS,  
CHOKKANAHALLI,  
BENGALURU - 560 092.

... PETITIONER

(BY SRI. M SHASHIDHARA.,ADVOCATE)

**AND:**

STATE OF KARNATAKA  
BY SAMPIGEHALI PS,  
REP. BY SPP,  
HIGH COURT OF KARNATAKA,  
BENGALURU - 560 001.

... RESPONDENT

(BY SRI RAHUL RAI K., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C (U/S 483 BNSS) PRAYING TO GRANT REGULAR BAIL TO HIM IN CR.NO.440/2024 FOR ALLEGED OFFENCES U/S 448, 323, 324, 506, 427, 354, 376, 307 R/W 34 OF IPC, REGISTERED BY RESPONDENT SAMPIGEHALI P.S., NOW PENDING ON THE FILE OF HON'BLE 41<sup>ST</sup> ACJM, BENGALURU.

THIS CRIMINAL PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY





**ORAL ORDER**

Accused in Crime No.440/2024 registered by Sampigehalli Police Station, Bengaluru, for the offence punishable under Sections 448, 323, 324, 506, 427, 354, 376, 307 read with Section 34 of IPC, is before this Court under Section 439 of Cr.P.C.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.440/2024 registered by Sampigehalli Police Station, Bengaluru, for the aforesaid offences against the petitioner on the basis of the first information dated 26.07.2024 submitted by the victim lady, aged about 36 years. During the course of investigation of the case, the petitioner arrayed as accused No.1 in the FIR, was arrested on 27.07.2024 and remanded to judicial custody.

4. The bail application filed by the petitioner in Crl. Misc. No.7328/2024 before the jurisdictional Sessions Court was rejected on 22.08.2024. Therefore, he is before this Court.



5. Learned counsel for the petitioner, reiterating the grounds urged in the petition, submits that the petitioner is a married man and from reading of the averments in the first information, *prima facie*, it appears that the petitioner and the victim lady were in illicit relationship. It is only after her husband came to know about their relationship, she submitted the first information, making baseless allegations against the petitioner. Petitioner has no criminal antecedents and accused No.2, who is wife of petitioner, has been granted anticipatory bail in the present case by the jurisdictional Sessions Court. Accordingly, he prays to allow the petition.

6. *Per contra*, learned HCGP has opposed the bail application. He submits that the petitioner has not only abused and assaulted the victim lady, but he has also assaulted her son, who was suffered injuries. He submits that the investigation in the case is not completed. Accordingly, he prays to dismiss the petition.



7. The first informant, who is a married lady, aged about 36 years, having a child aged about 5 years, has submitted the first information on 26.07.2024, wherein it is averred that the petitioner has been living in her locality for the past one year and she has no relationship with him. She has stated that, for no reason, the petitioner is slapping her and her son and had abused her in front of everybody. It is also stated that he has been spreading false information to the society and sending messages to her and her relatives. Her husband is working away and residing in the company apartment. Taking advantage of the same, the petitioner had demanded money and she had paid a sum of Rs.5,00,000/-. She has stated that the petitioner has shown sexual videos and threatened that he will drag her into prostitution. She has also stated that the petitioner verbally and physically abused her body parts and raped her and the petitioner's wife circulated her photographs on social media and tried to defame her. She also stated that the accused persons have given Supari to kill her and on 24.07.2024,



petitioner entered into her house and slapped her and her child and thereafter, she approached the police.

8. As per the averments in the complaint filed by the first informant, the petitioner is a stranger to the victim lady, who is married and the allegations are that he has been slapping her and her son for no reason. It is also alleged that he has taken a sum of Rs.5,00,000/- from the first informant and he had abused her physically and committed rape on her. It is stated that the photographs and videos belonging to the first informant have been circulated in order to defame her name. In spite of the petitioner committing all these acts, the victim lady has not complained to her husband at any point of time. Considering the nature of allegations found in the first informant, a serious doubt arises with regard to the genuineness and correctness of the allegations made by the first informant. She has also made allegations against the wife of petitioner about circulating her photographs to her relatives and friends in order to defame her name in society. Undisputedly, the petitioner has no



criminal antecedents, major portion of the investigation is already completed.

9. Considering the aforesaid aspects of the matter, more particularly, the nature of the allegations found in the first information, I am of the view that the petitioner's prayer for grant of regular bail needs to be answered affirmatively subject to appropriate conditions.

10. Accordingly, the following:

**ORDER**

The Criminal Petition is ***allowed***.

The petitioner is directed to be enlarged on bail in Crime No.440/2024 registered by Sampigehalli Police Station, Bengaluru, for the offences punishable under Sections 448, 323, 324, 506, 427, 354, 376, 307 read with Section 34 of IPC, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;



- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

**Sd/-**  
**(S VISHWAJITH SHETTY)**  
**JUDGE**

MBM  
List No.: 1 Sl No.: 46