



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 4TH DAY OF JULY, 2024
BEFORE
THE HON'BLE MR JUSTICE S.RACHAIAH
CRIMINAL PETITION NO.101776 OF 2024

BETWEEN:

SIDDANAGOUDA,
S/O. SHANKARGOUD MARALINGANGOUDRA,
AGE: 38 YEARS, OCC: LABOURER,
R/O: HAGANOR, TQ: BADAMI,
NOW AT MUGADAMVAR TOTA,
KELAGERI, DHARWAD,
TQ AND DIST: DHARWAD-580008.

...PETITIONER

(BY SRI VIDYASHANKAR G.DALWAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS DEPUTY SUPERINTENDENT OF POLICE
DHARWAD RURAL SUB-DIVISION PS,
R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD-11.

2. SMT. MANJULA W/O. PARASHURAM
BHAJANTRI ALIAS KORAVAR,
AGE: 40 YEARS, OCC: LABOURER,
R/O. HOSALLI VILLAGE, TQ. YALLAPURA,
PRESENTLY AT MUGADUM TOTADALLI,
KELAGERI, DHARWAD,
TQ. AND DIST. DHARWAD-580008.

...RESPONDENTS

(BY SRI PRAVEENA Y.DEVAREDDIYAVARA, HCGP FOR R1;
SRI PRASHANT S.KADADEVAR, ADVOCATE FOR R2)





THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., SEEKING TO ALLOW THE PETITION FILED U/S 439 OF CR.P.C. AND ENLARGE THE PETITIONER/ACCUSED NO.1 ON REGULAR BAIL IN SPL.S.C. S.T. NO.57/2022 (CRIME NO.133/2022 OF DHARWAD RURAL PS) PENDING ON THE FILE OF THE COURT OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, DHARWAD AND SPECIAL COURT FOR TRIAL OF THE OFFENCES UNDER THE POCSO ACT SC AND (POA) ACT FOR OFFENCES PUNISHABLE U/S 376, 376(J), 376(2)(n), 506 OF IPC AND SECTION 4, 6, 8 OF POCSO ACT, 2012 AND U/S 3(1) (w) (i), 3 (2) (va), 3(2)(v) OF SC/ST (POA) ACT, 1989.

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

ORDER

Heard Sri Vidyashankar G.Dalwai, learned counsel for the petitioner, Sri Praveena Y.Devaraddiyavara, learned High Court Government Pleader for respondent No.1/State and Sri Prashant S.Kadadevar, learned counsel for respondent No.2.

2. The petitioner herein is the accused No.1 in Crime No.133/2022 wherein the respondent/police have registered a case against the petitioner for the offences u/sec.376, 376(J), 376(2)(n), 506 of IPC and Section 4, 6, 8 of POCSO Act, 2012 and U/s 3(1) (w) (i), 3 (2) (va), 3(2)(v) of SC/ST (POA) Act, 1989.



3. Brief facts of the case are as under:

It is the case of the prosecution that Smt.Manjula w/o Parashuram Bhajantri lodged a complaint stating that she is the legally wedded wife of Parashuram Bhajantri and the couple had three female children. Her husband Parashuram left her 5-6 years ago and thereafter, she took the responsibility of bringing up her children.

Recently, she started working in the land of one advocate as a coolie and she was staying in the house attached to the poultry farm. On 01.07.2022 around 5.00 p.m. her daughter Jyoti informed her that she was suffering stomachache. Immediately, she was taken to District Government Hospital, Dharwad. The doctor after examining the victim informed her that she was pregnant and she was suffering from labour pain. On 02.07.2022 around 11.40 a.m. her daughter gave birth to a male child. When complainant questioned the victim, she was informed the complainant that Pradeep Madar was held responsible for the said pregnancy.



Based on the complaint of the complainant, the jurisdictional police have registered a case in Crime No.133/2022 for the offences stated supra and proceed with investigation. During investigation, it is found that, the petitioner herein had illicit relationship with the complainant Manjula. Due to said illicit relationship, Parashuram Bhajantri who is the husband of said Manjula left the home without informing them and went away. Thereafter, she started residing with the petitioner herein.

The petitioner stated to have committed sexual intercourse with the victim though he knew that she was minor and made her pregnant and thereafter she gave birth to a male child. DNA test conducted and it is confirmed that, he is the biological father of the male child. Therefore, the jurisdictional police have submitted the charge sheet.

4. It is the submission of the learned counsel for the petitioner that the petitioner has been falsely implicated in this case. Initially, a complaint came to be registered against Pradeep Madar and Rekha Hadapad. However, in the charge



sheet, the name of the petitioner has been dragged unnecessarily on the strength of the false DNA certificate.

5. It is further submitted that the complainant being a mother of the victim rightly had filed complaint against Pradeep Madar and Rekha Hadapad and it has been deliberately changed during investigation. Therefore, the bail application of the petitioner may be considered and he may be enlarged on bail by imposing suitable conditions. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

6. Per contra, learned High Court Government Pleader vehemently opposed the bail petition and submitted that the petitioner was living along with complainant Manjula, who is a mother of the victim in live-in relationship as husband and wife. The victim is presumed to be his daughter and he should have taken care of the children of the said Manjula.

7. The petitioner committed sexual assault when she was in his custody and made her pregnant. Consequently,



she gave birth to a child and it is stated in the DNA report that he is the biological father of the child. Therefore, it is not appropriate to grant him bail and his bail application may be rejected. Making such submissions, the learned High Court Government Pleader prays to dismiss the petition.

8. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it appears from the record that the petitioner committed sexual assault against minor girl and he is the reason to deliver a male baby. The said male baby is considered as the son of the petitioner as per the DNA report. Therefore, it is not appropriate to grant bail till disposal of the case on merit in the Trial Court. Accordingly, I proceed to pass the following:

ORDER

The petition is rejected.

Sd/-
JUDGE

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CT:ANB