



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

**DATED THIS THE 18<sup>TH</sup> DAY OF APRIL, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE RAJENDRA BADAMIKAR**

**CRIMINAL PETITION NO. 217 OF 2024**

**BETWEEN:**

SRI. LOKESH KUMAR,

...PETITIONER

(BY SRI. SATHYA .D, ADVOCATE FOR  
SRI. K.V. NARASIMHAN, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY STATION HOUSE OFFICER,  
WOMEN POLICE STATION,  
CHIKKABALLAPLUR DISTRICT-562 101,  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA BUILDING,  
BANGALORE-560 001.

2. VICTIM,  
REPRESENTED BY HER NEXT OF KIN

Digitally  
signed by  
SOWMYA D  
Location:  
High Court  
of Karnataka



...RESPONDENTS

(BY SRI. B. LAKSHMANA, HCGP FOR R1;  
SRI. TRIVIKRAM S., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.100/2023 OF CHIKKABALLAPURA WOMEN P.S., CHIKKABALLAPURA FOR THE OFFENCES P/U/S.376(2)(n) OF IPC AND SECTIONS 5(L), 5(n), 5(J)(2), 6, 20, 21 OF POCSO ACT 2012 PENDING ON THE FILE OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE AND FAST TRACK SPECIAL COURT-I (POCSO) AT CHIKKABALLAPURA IN SPL.S.C.(POCSO) NO.117/2023.

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

**ORDER**

The petitioner has filed this petition under Section 439 of Cr.P.C. seeking for enlarging him on bail in Crime No.100/2023 of Women Police Station, Chikkaballapur, registered for the offence punishable under Section 376(2)(n) of IPC and Sections 5(L), 5(n), 5(j)(2), 6, 20 and 21 of POCSO Act, 2012, pending on the file of the Additional District and Sessions/Special Judge and Fast Track Special Court-I (POCSO) at Chikkaballapur.

2. The allegations of prosecution are that, the petitioner/accused and victim were closely intimated to each other since from school days and subsequently the petitioner/accused under the guise of marriage, has committed



penetrative sexual assault on victim by taking her to Nandi Hills. It is alleged that later on, victim developed pain in the abdomen and when she was examined, she was found to be pregnant. Since the condition was precarious, she was shifted to the Chikkaballapur District Hospital, wherein she got aborted. Then the Medical Officer has enquired about her age and she has stated her age as 17 years. Hence, the matter was reported to the police and the police visited the hospital and recorded her complaint. On the basis of the complaint FIR came to be registered and then the petitioner was arrested and remanded to judicial custody.

3. It is also evident from the records that, subsequently the investigating officer has also completed the investigation and submitted the charge sheet against the petitioner/accused for the offences punishable under sections 376(2)(n) of IPC, Section 5(L), 5(n), 5(j)(2), 6, 20 and 21 of POCSO Act, 2012. The petitioner has approached the learned Special Judge Special Judge has rejected the bail petition filed by petitioner. Hence, the petitioner is before this Court.



4. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1-State as well as counsel for the respondent No.2. Affidavits of petitioner and respondent No.2 are also filed. Perused the records.

5. The allegations made in the complaint discloses that the petitioner and the victim are in love since school days. It is also evident that she is aged more than 16 years and capable of understating the things. As per the case of prosecution, the petitioner in March 2023 took the victim to Nandi Hills and there he committed penetrative sexual assault on her, which has resulted in her pregnancy. However, it is a fact that the victim is capable of understanding the things and went along with petitioner/accused. As on the date of incident i.e., March 2023, the victim is aged more than 17 years. Apart from that, the petitioner/accused has filed an affidavit undertaking that he will marry the victim girl as soon as she attains majority and the minor guardian of the victim has also filed an affidavit stating that she is prepared to perform the marriage of victim with the petitioner/accused immediately the victim attains age of majority.



6. It is evident from the records that, the investigation is concluded and the charge sheet has also been laid down. The presence of petitioner is no more required by the Investigating Agency. Hence, no purpose would be served by keeping the petitioner in custody, since parties have agreed for performance of their marriage.

7. Under the above circumstances and in view of filing of respective affidavits by the parties for agreeing for performance of the marriage of the petitioner/accused and the victim immediate on her attaining age of majority, I find no impediment for admitting the petitioner on regular bail. The other apprehensions raised by the learned High Government Pleader can be meted-out by imposing certain conditions. Hence, the petition needs to be allowed. Accordingly, I proceed to pass the following order.

### **ORDER**

- I. The petition is **allowed**.
- II. The petitioner/Accused is directed to be enlarged on bail in Crime No.100/2023 of Women Police Station, Chikkaballapur, registered for the offence punishable under Section 376(2)(n) of IPC and



Sections 5(L), 5(n), 5(j)(2), 6, 20 and 21 of POCSO Act, 2012, pending on the file of the Additional District and Sessions/Special Judge and Fast Track Special Court-I (POCSO) at Chikkaballapur, on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakhs only) with one surety for the like-sum to the satisfaction of the trial Court, subject to the following conditions:-

- (i) He shall attend the Court on all the dates of hearing, unless he is exempted by a specific order.
- (ii) He shall co-operate for speedy disposal of the matter.
- (iii) In case the petitioner fails to comply any of the conditions and the terms of the undertaking given by him regarding the marriage with victim girl, Respondent No.1-State or Respondent No.2 are at liberty to apply for cancellation of bail.

**Sd/-**  
**JUDGE**

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List No.: 1 Sl No.: 31