

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2022

BEFORE

THE HON'BLE MR. JUSTICE V. SRISHANANDA

CRIMINAL PETITION NO. 1482/2022

BETWEEN

DARSHAN @ DARPAN S

...PETITIONER

(BY SRI A N RADHA KRISHNA, ADVOCATE)

AND

1 . THE STATE OF KARNATAKA
BY CHANNAMMANAKERE
ACHUKATTU POLICE
BENGALURU, REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU - 560 001

2 . SMT. TEJASWINI

...RESPONDENTS

(BY SRI RAHUL RAI.K, HCGP)

THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.8/2022 OF CHANNAMMANAKERE ACHU KATTU P.S., BANGALORE FOR THE OFFENCE P/U/S 376(2)(n), 376(3) OF IPC AND SC.4, 5(J)(11)(L), 6 OF POCSO ACT NOW PENDING ON THE FILE OF THE LEARNED ADDL. CITY CIVIL JUDGE AND SPECIAL JUDGE, FTSC-III, BANGALORE.

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

ORDER

1. Heard Sri A.N. Radhakrishna, learned counsel for the petitioner and learned High Court Government Pleader, for the first respondent-State.

2. The petitioner, who is before this court has filed an application seeking grant of bail in respect of Crime No.8/2022 registered by the Channammana Achukattu Police Station for the offence punishable under Sections 376(2)(n), 376(3) of IPC and Sections 4,

5(J)(11)(L), and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 [hereinafter referred to as '**POCSO Act**' for short]. The matter is now pending before the Special Court.

3. The police during investigation, apprehended the petitioner and he has sent to judicial custody on and from 20.01.2022.

4. The complaint averments reveal that a minor girl has been seduced by the petitioner.

5. Learned counsel for the petitioner submits that it is a case of love affair. Be it what it may, the matter is under investigation. In the mean while, learned counsel for the petitioner submits that the petitioner is having annual examination from 15.03.2022 to 31.03.2022 as under:

BCOM2-Bachelor of Commerce				
Date	Time	Sem	Q.P.Code	Subject Name
15.03.2022	09.30A.M to 12.30 PM	Third	10306	Telugu
	09.30A.M to 12.30 PM	Third	10309	French
	09.30A.M to 12.30 PM	Third	10311	Bengali

	09.30A.M to 12.30 PM	Third	10312	Arabic
	09.30A.M to 12.30 PM	Third	10313	Persion
	09.30A.M to 12.30 PM	Third	13302	Kannada
	09.30A.M to 12.30 PM	Third	13304	Urdu
	09.30A.M to 12.30 PM	Third	32307	Tamil
	09.30A.M to 12.30 PM	Third	32308	Malayalam
	09.30A.M to 12.30 PM	Third	32310	Additional English
	09.30A.M to 12.30 PM	Third	32316	French
	09.30A.M to 12.30 PM	Third	34303	Hindi
	09.30A.M to 12.30 PM	Third	34305	Sanskrit
	09.30A.M to 12.30 PM	Third	34315	Kannada
	09.30A.M to 12.30 PM	Third	34317	Urdu (20 Barch Onwards)
17.03.2022	09.30A.M to 12.30 PM	Third	34301	English
19.03.2022	09.30A.M to 12.30 PM	Third	34321	Corporate Accounting
22.03.2022	09.30A.M to 12.30 PM	Third	34322	Financial Management
24.03.2022	09.30A.M to 12.30 PM	Third	34323	Business Regulations
26.03.2022	09.30A.M to 12.30 PM	Third	90021	Science and Society
29.03.2022	09.30A.M to 12.30 PM	Third	34324	Business Data Analysis
31.03.2022	09.30A.M to 12.30 PM	Third	34325	Practicals on Skill Development

Therefore, he may be enlarged on bail for the limited period.

6. Per contra, learned High Court Government Pleader opposes the bail petition stating that the investigation is under progress and therefore, passing any order would hamper the investigation.

7. This court perused the materials on record. Irrespective of the merits of the matter, just because, the

case is pending against the petitioner herein, which is being investigated in Crime No.8/2022, his future cannot be put to jeopardy. Therefore, necessity has arisen to make suitable arrangement for him to appear for the examinations. Accordingly, following order is passed:

ORDER

The petition is disposed of subject to the following conditions:

(i) The petitioner is permitted to attend the examination on the aforesaid mentioned dates at Viveknanda Degree College, Rajajinagar, Bengaluru.

(ii) The Chief Examiner/Head of the examination centre shall make suitable arrangement for the petitioner to write the examination in a separate room.

(iii) The petitioner shall be permitted to attend the examination centre in proper suitable security person to be deployed by the jail authorities at the cost of the petitioner, who shall accompany the petitioner till the examination centre and after examination is completed, he shall escort him back to the prison on the same day.

However, the petitioner shall not be hand-cuffed while proceeding to the examination centre and back.

(iv) The escort/security shall not be in uniform, so as to maintain confidentiality and dignity of the petitioner.

(v) Necessary charges for the security be deposited by the petitioner well in advance so as to make necessary arrangements by the jail authorities.

(vi) On completion of the examination, till the next date of examination, it is made clear that the petitioner shall continue to be in the judicial custody i.e., in the Central prison.

(vii) The benefit of this arrangement shall not be mis-used by the petitioner in any manner.

(viii) The jail authorities shall permit necessary books to be supplied to the petitioner by his parents.

(ix) A free copy be made available to the learned High Court Government Pleader, which shall be faxed/e-mailed to the jail authorities forthwith for proper compliance.

The disposal of this petition shall not come in the way of filing any successive bail petition, which shall be dealt in accordance with law.

**Sd/-
JUDGE**

PL*