

Sri. Chennaram vs The State Of Karnataka on 12 December, 2024

Author: S Vishwajith Shetty

Bench: S Vishwajith Shetty

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NC: 2024:KHC:51159
CRL.P No. 11278 of 2024
C/W CRL.P No. 12098 of 2024
CRL.P No. 12324 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2024

BEFORE
THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 11278 OF 2024 C/W
CRIMINAL PETITION NO. 12098 OF 2024
CRIMINAL PETITION NO. 12324 OF 2024

IN CRL.P No. 11278/2024

BETWEEN:

KUMAR K N
S/O NAGARAJU,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 11,
17TH CROSS, NEAR YOUSUF GODOWN,
GANESHA TEMPLE ROAD,
GORAGUNTE PALYA,
BANGALORE - 560 022.

(AS PER CHARGE SHEET)
PERMANENT ADDRESS:
BEHIND KSRTC DEPOT,

SRINIVASA NAGAR, 17TH CROSS,
HOLE NARASIPURA ROAD,
HASSAN - 573 201.

Digitally
signed by
NANDINI MS
Location: High
Court of
Karnataka

...PETITIONER

(BY SRI. CHANDRASHEKAR R P., ADVOCATE)

AND:

1. THE STATE BY KODIGEHALLI PS,

(REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING COMPLEX,
BANGALORE - 560 001).

2. XXX
XXX,

...RESPONDENTS

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NC: 2024:KHC:51159

CRL.P No. 11278 of 2024

C/W CRL.P No. 12098 of 2024

CRL.P No. 12324 of 2024

(BY SRI. M.R.PATIL., HCGP FOR R1;
MR. FEBA NISHA., ADVOCATE FOR
SRI. JEEVAN V CHACKO., ADVOCATE FOR
DEFACTO COMPLAINANT;)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNNS) CR.P.C
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ENLARGE HIM ON BAIL
IN CRIME NO.285/2024 OF KODIGEHALI P.S., NOW PENDING IN
SPL.C.NO.1926/2024 BEFORE THE ADDL.CITY CIVIL AND SESSIONS
JUDGE, AT BENGALURU FTSC IV FOR THE OFFENCE P/US/ 143(4),
144(1), 61, 49, 65 OF BNS U/S.4, 5(L), 6, 17 OF POCSO ACT 2012
AND SEC.3, 4, 5, 6 OF IMMORAL TRAFFIC PREVENTION ACT 1956
AND SEC.75 OF J.J ACT.

IN CRL.P NO. 12098/2024

BETWEEN:

SRI. CHENNARAM,
S/O LATE PABATH RAM,
AGED ABOUT 40 YEARS,
R/AT NO. 45, NATAMANGALAM VILLAGE,
VELLAPURAM TALUK,
TAMIL NADU - 605 103.

...PETITIONER

(BY SRI. MANJU BYRAL R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY KODIGEHALI POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560 001.
2. XXX

XXX,

...RESPONDENTS

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NC: 2024:KHC:51159

CRL.P No. 11278 of 2024

C/W CRL.P No. 12098 of 2024

CRL.P No. 12324 of 2024

(BY SRI. M.R.PATIL., HCGP FOR R1;
MR. FEBA NISHA., ADVOCATE FOR
SRI.JEEVAN V CHACKO., ADVOCATE FOR DEFACTO
COMPLAINANT;)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483
BNNS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER
PRAYING THAT THIS HONOURABLE COURT MAY BE
PLEASED TO ENLARGE HIM ON BAIL IN CRIME
NO.285/2024 OF KODIGEHALLI P.S., NOW PENDING IN
SPL.C.NO.1926/2024 BEFORE THE ADDL.CITY CIVIL AND
SESSIONS JUDGE, AT BENGALURU FTSC IV FOR THE
OFFENCE P/U/S 143(4), 144(1), 61, 49, 65 OF BNS U/S.4,
5(L), 6, 17 OF POCSO ACT 2012 AND SEC.3, 4, 5, 6 OF
IMMORAL TRAFFIC PREVENTION ACT 1956 AND SEC. 75 OF
J.J ACT.

IN CRL.P NO. 12324/2024

BETWEEN:

SHOBHARANI,
D/O LATE. NARAYANASWAMY,
AGED ABOUT 48 YEARS,
RESIDING AT NO.108,
C/O. SHIVAKUMAR BUILDING,
CQAL LAYOUT, C BLOCK,
SAHAKARA NAGAR, KODIGEHALLI,
BANGALORE - 560 092.

PERMANENT ADDRESS:
NO.133, 3RD STAGE,
15TH MAIN, 4TH BLOCK,
NEAR WATER TANK,
BASAVESHWARA NAGAR,
BANGALORE - 560 079 .
(AS PER CHARGE SHEET)

...PETITIONER

(BY SRI. CHANDRASHEKAR R P., ADVOCATE)

AND:

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NC: 2024:KHC:51159

CRL.P No. 11278 of 2024
C/W CRL.P No. 12098 of 2024
CRL.P No. 12324 of 2024

1. THE STATE BY KODIGEHALLI PS
(REP. BY. STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING COMPLEX,
BANGALORE 560 001).
2. XXX
XXX,

...RESPONDENTS

(BY SRI. M.R.PATIL., HCGP FOR R1;
MR. FEBA NISHA., ADVOCATE FOR
SRI.JEEVAN V CHACKO., ADVOCATE FOR DEFECTO
COMPLAINANT;)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483
BNNS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER
PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED
TO ENLARGE HIM ON BAIL IN CRIME NO.285/2024 OF
KODIGEHALLI P.S., NOW PENDING IN SPL.C.NO.1926/2024
BEFORE THE ADDL.CITY CIVIL AND SESSIONS JUDGE, AT
BENGALURU FTSC IV FOR THE OFFENCE P/U/S 143(4), 144(1),
61, 49, 65 OF BNS U/S.4, 5(L), 6, 17 OF POCSO ACT 2012 AND
SEC.3, 4, 5, 6 OF IMMORAL TRAFFIC PREVENTION ACT 1956
AND SEC. 75 OF J.J ACT.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.1 to 3 in Spl.C.No.1926/2024 pending before the Court of Additional City Civil and Sessions Judge FTSC-IV, Bengaluru, arising out of Crime No.285/2024 registered by Kodigehalli Police Station, Bengaluru City for the offences punishable under Sections NC: 2024:KHC:51159 143(4), 144(1), 61, 49, 65 of BNS 2023 and Sections 4, 5(L), 6, 17 of the of Protection of Children from sexual Offences Act, 2012, and Sections 3, 4, 5, 6 of the Immoral Traffic Prevention Act, 1956 and Section 17 of Juvenile Justice Act, are before this Court in these three petitions filed under Section 483 of BNSS 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. F.I.R. in Crime No.285/2024 was registered by Kodigehalli Police Station, Bengaluru City against Kumar K.N. and and Shobha Rani for the aforesaid offences on the basis of first information dated 19.07.2024 received from Mahesh M.A., Police Officer attached to Kodigehalli Police Station,

Bengaluru City.

4. During the course of investigation of the case petitioners herein was arrested on 19.07.2024 and subsequently remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed against four persons. Petitioners herein are arrayed as NC: 2024:KHC:51159 accused Nos.1 to 3 in the charge sheet. Bail application filed by the petitioner before the Trial Court was rejected. Therefore, they are before this Court.

5. Learned Counsel for the petitioners submits that victim girl has not made any serious allegation in her statement recorded under Section 164 of Cr.P.C which would prima-facie attract the charge sheeted offences. They submit that there is serious discrepancy with regard to the age of the victim girl, since the charge sheet documents show two different date of birth of the victim girl. The petitioners who do not have any criminal antecedents are in custody for the last nearly five months. Investigation of the case is completed and charge sheet has been filed. Accordingly, they pray to allow this petition.

6. Per contra, learned HCGP and learned counsel appearing for respondent No.2 who has filed statement of objections have seriously opposed the petition. They submit that victim girl is a minor and merely for the NC: 2024:KHC:51159 reason that she has not made allegations about sexual assault committed on her in her statement recorded under Section 164 of Cr.P.C, the petitioners cannot be granted bail since they were apprehended red handed during the course of raid. The material on record would clearly go to show that the victim is a minor and therefore, the charge sheeted offences get attracted against the petitioners. Accordingly, they pray to dismiss this petition.

7. Perusal of the material on record would go to show that on the basis of the credible information received by the first informant on 19.07.2024, raid was conducted to a premises situated within the jurisdiction of Kodigehalli Police Station, Bengaluru and from the said premises accused Nos.1 to 3 were apprehended and the victim girl who is the daughter of accused No.4 was rescued. The apprehended accused were subsequently produced before the Jurisdictional Court and remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed. In the charge sheet, it is alleged that NC: 2024:KHC:51159 accused Nos.1 and 3 were running a brothel in the premises on which raid was conducted on 19.07.2024 and accused No.4 who is the mother of the victim girl with a intention to make money was sending the victim girl in the aforesaid premises and accused Nos.1 and 3 were making use of the minor victim girl to the purpose of their illegal business of prostitution. Accused No.2 is said to be a customer, who was present in the premises when the raid was conducted.

8. The Statement of the victim girl under Section 164 of Cr.P.C has been recorded in the present case on 24.07.2024. The victim girl has stated that on 19.07.2024 when she was in school, accused No.3 had called her over phone and asked her to come to Hebbal. Victim girl came to Hebbal after attending the school on 19.07.2024 in a auto-rickshaw which was booked by accused No.3. On the said date, accused No.3 allegedly sent the victim girl to a room along with a boy and the said boy had misbehaved with the victim girl and at that time police came and NC: 2024:KHC:51159 rescued her. The victim girl has not made any allegation in her statement recorded under Section 164 of Cr.P.C

about her exploitation sexually, as alleged in the charge sheet. She has also not made allegation in her statement recorded under Section 164 of Cr.P.C against anybody about committing penetrative sexual assault on her.

9. The material on record would go to show that the documents produced by the prosecution to prove the age of the victim girl are contradictory. In her school records, date of birth has been shown as 29.10.2007 and in Aadhar card her date of birth is shown as 29.07.2007. Undisputedly, petitioners have no criminal antecedents. They are in custody from 19.07.2024. Investigation of the case is completed and charge sheet has been filed. Allegations now found in the charge sheet against the accused persons is required to be proved in a full fledged trial. Under the circumstances, I am of the view that prayer made by the petitioners for grant of regular bail is

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NC: 2024:KHC:51159 required to be answered affirmatively. Accordingly, the following:-

ORDER The petitions are allowed.

The petitioners are directed to be enlarged on bail in Spl.C.No.1926/2024 pending before the Court of Additional City Civil and Sessions Judge FTSC-IV, Bengaluru, arising out of Crime No.285/2024 registered by Kodigehalli Police Station, Bengaluru City for the offences punishable under Sections 143(4), 144(1), 61, 49, 65 of BNS 2023 and Sections 4, 5(L), 6, 17 of the of Protection of Children from sexual Offences Act, 2012, and Sections 3, 4, 5, 6 of the Immoral Traffic Prevention Act, 1956 and Section 17 of Juvenile Justice Act, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties

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NC: 2024:KHC:51159 for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

SD/-

(S VISHWAJITH SHETTY) JUDGE KVR