

**IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH**

DATED THIS THE 9<sup>TH</sup> DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MRS.JUSTICE M.G. UMA

**CRIMINAL PETITION No.200985/2022**

**BETWEEN:**

SAGAR  
S/O BABU RANJANAGI  
AGE: 23 YEARS, OCC: COOLIE  
R/O HITTA SHIROOR, TQ: ALAND  
DIST: KALABURAGI. ... PETITIONER

(BY SRI: KUPENDRA N. SAJJAN, ADVOCATE)

**AND:**

THE STATE THROUGH  
KALABURAGI CITY WOMEN P.S.  
(NOW REPRESENTED BY LEARNED  
ADDL. STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA AT  
KALABURAGI - 585 105. ... RESPONDENT

(BY SRI: H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO RELEASE THE PETITIONER ON BAIL IN CRIME NO.25/2022 OF KALABURAGI CITY WOMEN POLICE STATION, DISTRICT-KALABURAGI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 448, 376, 376(2)(N), 506, 384, 109, 201 READ WITH 34 OF IPC AND UNDER SECTION 66 (E) OF INFORMATION TECHNOLOGY ACT 2008 PENDING BEFORE THE I ADDL. C.J. (JR.DN) AND JMFC, GULBARGA.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THROUGH VIDEO CONFERENCE AT BENGALURU BENCH, THE COURT PASSED THE FOLLOWING:

**ORDER**

The petitioner-accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.25 of 2022 of Kalaburagi City Women Police Station, pending before the I Additional Civil Judge (Jr.Dn.) and JMFC, Kalaburagi, registered for the offences punishable under Sections 376, 376(2)(n), 448, 506, 384, 109, 201 read with Section 34 of the Indian Penal Code (for short 'IPC') and Section 66(E) of the Information Technology Act (for short 'IT Act'), on the basis of the first information lodged by the informant Reshma.

2. Heard Sri Kupendra N Sajjan, learned counsel for the petitioner and Sri H S Shankar, learned High Court Government Pleader for the respondent -State. Perused the materials placed on record.

3. Learned counsel for the petitioner submitted that the petitioner is arrayed as accused No.1. He has not committed any offences as alleged. A false complaint came to be lodged. Earlier, the petitioner had filed Criminal Petition No.200503 of 2022 seeking similar relief. The said petition came to be dismissed vide order dated 30.05.2022 only on

the ground that the investigation was still in progress. Now, the investigation is already completed and the final report is also filed. The petitioner is not required for further investigation. Detention of the petitioner in custody would amount to pre-trial punishment. He is the permanent resident of the address mentioned in the cause title to the petition and is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays for allowing the petition.

4. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences. Similar petition came to be dismissed vide order dated 30.05.2022. There are no changed circumstances to enable the petitioner to move the petition once again. Looking to the seriousness of the offences, the petitioner is not entitled to be enlarged on bail. Hence, he prays for dismissal of the petition.

5. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

*"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"*

My answer to the above point is in the 'Affirmative' for the following:

### **REASONS**

6. The informant lodged the first information making specific allegations against the petitioner. It is stated that the informant is a married lady aged 33 years. The earlier petition filed by the petitioner was rejected considering the seriousness of the offences and also the fact that the investigation was still under progress. Now admittedly, the investigation is completed. It is not the contention of the prosecution that the petitioner is required for further investigation. Under such circumstances, the detention of petitioner in custody would amount to infringement of his right to life and liberty. Therefore, I am of the opinion that the petitioner is entitled to be enlarged on bail subject to conditions which will take care of the apprehension expressed

by the learned High Court Government Pleader that the petitioner may abscond or may tamper or threaten the prosecution witnesses.

7. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

**ORDER**

The petition is ***allowed.***

The petitioner is ordered to be enlarged on bail in Crime No.25 of 2022 of Kalaburagi City Women Police Station, pending before the I Additional Civil Judge (Jr.Dn.) and JMFC, Kalaburagi, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioner shall not commit similar offences.
- b). The petitioner shall not threaten or tamper with the prosecution witnesses.
- c). The petitioner shall appear before the Court as and when required.

If in case, the petitioner violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioner, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the documents furnished by the petitioner and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner on bail.

**Sd/-  
JUDGE**

\*bgn/-