



CRL.P No. 103684 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 12TH DAY OF DECEMBER 2022

BEFORE

THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 103684 OF 2022

BETWEEN:

SHRI MOHAMMAD AJARUDDIN
S/O ABDUL HAMEED.B
AGE. 36 YEARS
OCC. GOVERNMENT TEACHER
R/O. MASIDI ONI, AMINBHAVI
NEAR AMBADASA NILAYA
ANATHASHRAMA,
TQ AND DIST. DHARWAD-583229

...PETITIONER

(BY SRI. JAGADISH PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH KARATAGI POLICE STATION,
R/BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA BENCH
AT. DHARWAD-580008

...RESPONDENT

(BY SRI. PRASHANTH V. MOGALI, HCGP)



THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C.,
SEEKING TO ALLOW THE PETITION AND THE
PETITIONER/ACCUSED KINDLY BE ENLARGED ON BAIL IN
CONNECTION WITH KARATAGI P.S. FIR CRIME NO.140/2022
DATED 02.07.2022 FOR OFFENCES PUNISHABLE U/S 376, 354,
355, 323, 504, 506, 201 OF IPC R/W 66(E) OF INFORMATION
TECHNOLOGY ACT, 2000, WITH RESPECT TO THE PETITIONER.

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



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ORDER

This petition is filed by the sole accused under Section 439 of The Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.', for brevity) seeking bail in Crime No.140/2022 of Karatagi Police Station, registered for the offences punishable under Sections 376, 354, 355, 343, 201, 504 and 506 of The Indian Penal Code (hereinafter referred to as the 'IPC', for brevity) and Section 66(E) of the Information Technology Act, 2000 (hereinafter referred to as 'IT Act', for brevity).

2. The case of the prosecution is that, the petitioner is a teacher in Government Higher Primary School, Singapur of Raichur District. He promising the complainant that he will provide additional education to her physically handicapped daughter, became closely acquainted with the complainant and subsequently had sexual intercourse with her by calling her to his house and has video graphed the



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sexual act with the complainant. The petitioner, thereafter, by taking undue advantage of the video graph containing sexual act of him with the complainant, by showing her has often and often, harassed her in having sexual activity with her by threatening her that if she does not heed in having sexual activity, he would show the said video in her parental home and damage her image and respect. It is further stated that, the complainant requested the petitioner not to blackmail her and she made up her mind to commit suicide but because of her daughter, who was a minor and handicapped, has not resorted to such an act. That on 30.06.2022 at around 5:00pm when the complainant was residing in her house at Karatagi, the petitioner came to her house, abused her, harassed and caught hold her saree and attempted to squeeze her neck and tried to outrage the modesty of the complainant. When the acts of this petitioner were brought to the notice of her husband, he requested the petitioner not



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to commit such illegal acts and at that time, the petitioner made a demand of Rs.10,00,000/- else he would make the video graph viral. The said complaint came to be registered in Karatagi Police Station Crime No.140/2022 for the offences punishable under Sections 376, 355, 354, 323, 504 and 506 and 201 of IPC and Section 66(E) of IT Act. The Investigating Officer has filed charge sheet against the petitioner. The petitioner who was arrested on 03.07.2022 and who is in judicial custody, filed Criminal Miscellaneous No.885/2022 seeking bail and the same came to be rejected by the learned I Additional District and Sessions Judge, Koppal, sitting at Gangavathi, by order dated 03.11.2022. Therefore, the petitioner is before this Court seeking bail.

3. Heard the arguments of the learned counsel appearing for the petitioner and the learned High Court Government Pleader for the respondent-State.



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4. The learned counsel for the petitioner would contend that, the complaint does not contain the date and period of the alleged act of the petitioner having sexual intercourse with her and there is no date mentioned for having paid the money and how much money was paid by the complainant to the petitioner. As per the averments of the complaint, the alleged incident occurred on 30.06.2022 and as per the history given before the doctor, it is noted in the wound certificate as 01.07.2021 at 4:30pm. It is his further submission that on looking to the averments of the complaint, the alleged sexual act by this petitioner with the complainant is consensual. There are contradictions in the date mentioned in the complaint and in the wound certificate with regard to the alleged date of the incident. As charge sheet is filed, the petitioner is not required for custodial interrogation. The petitioner is the resident of Aminbhavi and the complainant is the resident of Karatagi and there are



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no chances of the petitioner threatening the complainant. With this, he prayed to allow the petition.

5. *Per contra*, learned High Court Government Pleader would contend that, there is an allegation against this petitioner of uploading the video containing the sexual act of this petitioner with the complainant in social media and the same has been viewed by CWs.8 to 12. The complainant has handed over the CD containing the said video given to her by one Jagadeesh who had received the same in his mobile. The wound certificate reveals that she has sustained two injuries which are simple in nature. Charge sheet material show prima facie case against the petitioner for the offences alleged against him. With this, he prayed to reject the petition.

6. Having regard to the submission made by the learned counsel for the petitioner and the



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learned High Court Government Pleader, this Court has gone through the charge sheet records and the order passed by the Sessions Court.

7. As per the averments of the complaint, the petitioner is having sexual relationship with the complainant. The petitioner is alleged to have recorded the sexual act with the complainant in his mobile and threatening to send the same to her family members. On 30.06.2022 when the complainant was in Karatagi, he abused her in filthy language and threatened to kill her if she does not sleep with him and made an attempt to squeeze her neck. When she escaped and refused to sleep with him, at that time, he told that he will upload the video containing the sexual act and that he had earlier also received money from her and she intimated the same to her husband, who advised him, at that time, the petitioner demanded Rs.10,00,000/-. Charge sheet material reveal that this petitioner has uploaded the sexual act with the



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complainant in social media and it has been viewed by CWs.8 to 12. The wound certificate reveal that this victim lady has sustained two injuries. Merely because there is some contradictions in mentioning the date in the complaint and the wound certificate regarding the date of incident, is not a ground for grant of bail. The petitioner has uploaded the obscene video containing the sexual act with the victim lady.

8. A perusal of the entire charge sheet material shows prima facie case against this petitioner for the offences alleged against him. If the petitioner is granted bail, there is threat to the complainant and other prosecution witnesses. The petitioner has not made out any ground for grant of bail.

Accordingly, the criminal petition is dismissed.

**Sd/-
JUDGE**

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