



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 142 OF 2023

BETWEEN:

SMT. KANTHAMANI. G. N.
W/O NANJUNDAPPA,
AGED ABOUT 48 YEARS,
R/A. ALASHETTIKERE PALYA,
MAIN ROAD,
SHANTHI NAGARA - 572 102,
TUMAKURU CITY.

...PETITIONER

(BY SRI. V B SIDDARAMAIAH, ADVOCATE)

AND:

STATE OF KARNATAKA
REPRESENTED BY C.E.N. CRIME POLICE,
TUMKUR CITY,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. K. RAHUL RAI, HCGP)

THIS CRL.P FILED U/S.438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HER ARREST IN CR.NO.150/2022 REGISTERED BY TUMAKURU CEN CRIME POLICE STATION, TUMAKURU FOR THE ALLEGED OFFENCE P/U/S 57(A) AND 67(B) OF INFORMATION TECHNOLOGY ACT, PENDING ON THE FILE OF III ADDITIONAL CIVIL JUDGE AND J.M.F.C., TUMAKURU.

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





ORDER

The petitioner-accused is before this Court seeking grant of anticipatory bail in Crime No.150/2022 of CEN Crime Police Station, Tumakuru, registered for the offences punishable under Sections 67(A), 67(B) of the Information Technology Act, 2008 (for short 'I.T.Act'), on the basis of the first information lodged by the informant-Krishnamurthy, pending on the file of III Additional Senior Civil Judge & JMFC, Tumakuru.

2. Heard Sri. V.B.Siddaramaiah, learned counsel for the petitioner and Sri. K.Rahul Rai, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. Learned counsel for the petitioner submitted that the petitioner is the sole accused. She is innocent and law abiding citizen. She has not committed any offence as alleged. She has been falsely implicated in the matter without any basis. There is reasonable apprehension of being arrested. Hence, she is before this Court. The *suo moto* complaint was registered against the petitioner on the



basis of the report of the CID. It is alleged that the petitioner had uploaded sexually explicit acts depicting the children, in the electronic forum through her mobile phone. It is stated that offence in question was committed on 11.02.2022. There is inordinate delay in lodging the first information, which has not been explained. There is no other complaint against the petitioner except this suo moto complaint. The petitioner is not required for custodial interrogation. She is the permanent resident of the address mentioned in the cause-title to the petition and she is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition in the interest of justice.

4. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offence. The petitioner had uploaded sexually explicit acts depicting the children in the electronic forum through her mobile phone. She is absconding since from the date of registration of the case. When such transmission of



sexually explicit act was brought to the notice of the CID, immediately, the FIR was came to be registered. The nature and seriousness of the offence requires the petitioner for custodial interrogation. If she is granted anticipatory bail, she may never turn up before the Investigating Officer and she may abscond or may commit similar offences, threaten or tamper the prosecution witnesses. Therefore, the petitioner is not entitled for grant of anticipatory 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 anticipatory bail under Section 438 of Cr.P.C.?"

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

REASONS

6. Serious allegations are made against the petitioner for having committed the offence. Even though it



is stated that there is inordinate delay in lodging the complaint, the nature of the allegations discloses that sexually explicit acts involving the children was transmitted in the Electronic Forum. The same was noticed by the CID and report was submitted in that regard. Immediately, FIR was came to be registered. At this stage, it cannot be said that there is delay in registering the FIR. The nature of the offence requires the petitioner for custodial interrogation. Therefore, she is not entitled for grant of pre-arrest bail.

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

ORDER

The petition is ***dismissed.***

**Sd/-
JUDGE**