

Thunga Padmavathamma vs State By on 20 February, 2025

Author: Mohammad Nawaz

Bench: Mohammad Nawaz

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NC: 2025:KHC:7684
CRL.P No. 1636 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ
CRIMINAL PETITION NO. 1636 OF 2025 (439(Cr.PC) / 483(BNSS))

BETWEEN:

THUNGA PADMAVATHAMMA
WIFE OF LATE THUNGA ESHWARAIAH,
AGED ABOUT 75 YEARS,
RESIDING AT NO.4-126,
KONDALAVARI PALLI(V),
KAMPASAMUDRAM POST,
CHITVEL MANDALAM, CUDDAPAH-DIST.,
ANDRAPRADESH-516 104.

...PETITIONER

(BY SRI. K.R.NAGARAJA, ADVOCATE)
AND:

Digitally
signed by
LAKSHMI T
Location:
High Court
of Karnataka

1. STATE BY MAHADEVAPURA POLICE-
REPRESENTED BY S.P.P.
HIGH COURT-BUILDING,

BANGALORE-560001
2. VICTIM GIRL D/O RANGAIAH,
A/A 17 YEARS 7 MONTHS,
(REPRESENTED BY MINOR-
GUARDIAN FATHER-
RANGAIAH SON OF LATE RAMAIAH,
A/A 51 YEARS,
R/A #4/157, KONDALAVARI PALLI(VI),
AND POST, CHITTIVELU MANDALAM,

KADAPA DISTRICT, ANDRAPRADESH PIN-516 104.

...RESPONDENTS

(BY SRI. HARISH GANAPATHI, HCGP FOR R-1)

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CRL.P No. 1636 of 2025

THIS CRL.P IS FILED U/S.439 CR.P.C (FILED U/S.483 BNSS) PRAYING TO ENLARGE HER ON REGULAR BAIL IN SPL.C.NO.966/2024 (CRIME NO.114/2020) FOR THE OFFENCE PUNISHABLE U/S 109, 366, 342, 323, 376 OF I.P.C. AND SECTION 5(L) AND 6 OF POCSO ACT, 2012 AND SECTION 9 OF CHILD MARRIAGE ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Heard both sides and perused the material on record.

2. Petitioner/accused No.2 is before this Court seeking to enlarge her on regular bail in Cr.No.114/2020 registered at Mahadevapura Police Station, Bengaluru City.

3. Initially, case was registered for an offence punishable under Section 363 of IPC on a complaint lodged by victim's father-Rangaiah, wherein, he suspected his minor daughter was kidnapped by one Giribabu. In the charge sheet, petitioner is arraigned as accused No.2.

4. As per complaint averments, the wife of accused No.1 informed the complainant that her husband NC: 2025:KHC:7684 telephoned her saying that he is taking the complainant's daughter to Kuwait. On tracing the victim, her statement was recorded by the police, wherein, she has stated that accused No.1, by inducing took her to Thirumala Thirupathi Temple and forcibly married and then committed forcible sexual intercourse with her.

5. In the statement of the victim recorded under Section 164 of Cr.P.C. on 13.10.2020, she has alleged that the petitioner herein, mother of accused No.1 and his uncle have forcibly performed her marriage with accused No.1.

6. Charge sheet has been filed against accused Nos.1 to 3 for offences punishable under Section 109, 366, 342, 323, 376 of IPC, Section 5(l) and 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act.

7. Petitioner was initially granted anticipatory bail by the learned Sessions Judge in Crl.Mis.No.2559/2021 NC: 2025:KHC:7684 dated 1.4.2021. Since she failed to appear before the trial Court, NBW and proclamation came to be issued. She was arrested on 6.1.2025 and since then she is in custody.

8. Learned Sessions Judge dismissed petitioner's bail petition observing that she was aware of the proceedings against her and in spite of that she has absconded for more than 4 years and no reasons are specified in the petition for her abscondance.

9. It is no doubt, after petitioner was released on anticipatory bail, she remained absent and failed to appear before the trial Court. However, petitioner is a woman aged 75 years. She hails from the State of Andhra Pradesh. It is submitted that she is suffering from serious age old ailments. She has been now secured under warrant and remanded to judicial custody. Main allegations are against accused No.1.

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10. Learned counsel for the petitioner submits that henceforth, the petitioner will appear before the trial Court and she will give an undertaking to that effect.

11. Considering the age of the petitioner and in view of the undertaking given, an opportunity can be given to the petitioner. Hence, the following:

ORDER I. Petition is allowed.

II. Petitioner/accused No.2 in Crime No.114/2020 of Mahadevapura Police Station, shall be enlarged on bail, subject to following conditions:

1. She shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with a local surety for the likesum to the satisfaction of the jurisdictional Court.
2. She shall furnish her residential address and shall inform the Court, if there is change in the address.

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3. She shall not directly or indirectly tamper with the prosecution witnesses.

4. She shall appear before the trial Court regularly on all dates of hearing, unless exempted from appearing for genuine reasons.

Violation of any of the condition shall result in cancellation of bail.

Sd/-

(MOHAMMAD NAWAZ) JUDGE TL Ct:ar