

A M Yogaraja vs State By on 14 October, 2020

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF OCTOBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 4984 OF 2020

BETWEEN:

A.M.Yogaraja
S/o. Manjappa @ Manjunatha,
Aged about 25 years,
R/at Aadrikatte Village,
Hosadurga Taluk,
Chitradurga District-577501.

...Petitioner

(By Sri. C.Gopalakrishnamurthy, Advocate)

AND:

State by Hosadurga Police Station,
Chitradurga District,
Represented by State Public Prosecutor,
High Court Complex,
Bengaluru-560001.

... Respondent

(By Sri. K.S.Abhijith, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.286/2020 of Hosadurga Police Station, Chitradurga for the offence punishable under Sections 366A, 114, 149 of IPC and Section 10 of Child Marriage Restraint Act.

This Criminal Petition coming on for orders, this day through video conferencing, the Court made the following:

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ORDER

This is a petition under Section 438 of Cr.P.C., the petitioner is accused no.7 in Cr.No.286/2020 registered by the respondent - police for the offences punishable under Section 366(A) of IPC and Section 10 of Child Marriage Restraint Act r/w Sections 114 and 149 of IPC.

2. Heard both sides.

3. FIR has been registered against totally 7 persons in connection with kidnapping of a girl. It is stated that accused no.1 wanted to marry the girl and that on 18.8.2020, the girl was kidnapped. Accused no.1 married her in a temple. The other accused helped accused no.1 for kidnapping. The specific overact against the petitioner is that he took the girl on his motor bike.

4. The Sessions Court granted bail to accused no.2 to 5 on 16th September, 2020 by disposing of Crl.Misc.No. 689/2020 and to accused no.1 on 29th September, 2020 by disposing of Crl.Misc.No.756/2020. It is accused no.1 who is mainly involved in kidnapping the girl. Though there is allegation against the petitioner that he carried the girl on his motor bike, his position is no better than other accused. Therefore ground of parity can be applied for allowing the petition. Hence the following:

ORDER i. Petition is allowed.

ii. In the event of petitioner being arrested by the respondent/police, in connection with Cr.No.286/2020 of Hosadurga Police Station, Chitradurga, he shall be released on bail, on obtaining from him a bond for Rs.1,00,000/- (Rupees One Lakh only) and two sureties for the likesum to the satisfaction of the Investigating Officer.

iii. He shall appear before the Police Station as and when his presence is required for investigation. iv. He shall not threaten the witnesses and destroy the evidence in whatsoever manner. v. He shall not leave the jurisdiction of the trial court till investigation is completed. vi. He shall mark his attendance in the jurisdictional police station once in a week till investigation is completed.

Sd/-

JUDGE sd