

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24th DAY OF NOVEMBER 2022

BEFORE

THE HON'BLE MR.JUSTICE RAJENDRA BADAMIKA

CRIMINAL PETITION NO. 10563 OF 2022

BETWEEN:

SRI. M.S.UBEDULLA KHAN
S/O MOHAMMED KHAN
AGED ABOUT 45 YEARS
R/AT NO.63/1, MAJID LANE
OLD PENSION MOHALLA
CHAMRAJPETE,
(MYSORE ROAD), BANGALORE-560 018.

... PETITIONER

(BY SRI. UDAY PRAKASH MULIYA ADVOCATE FOR
SRI. KAMALUDDIN ADVOCATE)

AND:

STATE OF KARNATAKA
BY CHANDRALAYOUT POLICE STATION
REP. BY LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001.

... RESPONDENT

(BY SMT. RASHMI JADHAV, 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.302/2022 OF CHANDRA LAYOUT P.S., BENGALURU

CITY FOR THE OFFENCE P/U/S 354A, 506, 354 OF IPC ON THE FILE OF THE VIII A.C.M.M., BENGALURU.

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

ORDER

This petition is filed by the petitioner under Section 438 of Cr.P.C seeking anticipatory bail in the event of his arrest in Crime No.302/2022 of Chandralayout Police Station, registered for the offences punishable under Sections 354(A), 506 and 354 of the IPC.

2. Heard the learned counsel for petitioner and learned HCGP for respondent- State. Perused the records.

3. The brief factual matrix leading to the case are that the complainant was suffering from stomach ache and as such she had approached for treatment to petitioner on 28.09.2022, 29.09.2022 and 30.09.2022. During the said dates the petitioner has misbehaved with the complainant by touching her body with different intention and threatened her not to disclose the same and also kissed her. Subsequently the complainant has refused to take treatment from the present petitioner and she was treated

by a different doctor and she recovered from her ill-ness. Later on, the complainant has disclosed the issue before her mother and brothers and the brothers approached the petitioner and have manhandled him.

4. In this regard the complainant has lodged a complaint. On the basis of the complaint crime came to be registered in crime No.302/2022 for the above referred offences by issuing FIR.

5. The petitioner apprehending his arrest has approached the learned Sessions Judge seeking anticipatory bail but his bail petition came to be rejected. Hence, the petitioner is before this Court.

6. Having heard the arguments and perusing the records, the allegations disclose that the present petitioner is a medical practitioner and on 28.09.2022, 29.09.2022 and 30.09.2022 the complainant approached him for certain treatment as she suffering from stomach pain. It is alleged that during the said period he has misbehaved with her and later on 30.09.2022 he has also kissed her by

touching her body. Hence this complaint came to be lodged on 03.10.2022. It is alleged that when the complainant brought it to the notice of her mother and brothers they have assaulted the present petitioner.

7. However, it is evident that the petitioner has not lodged any complainant in respect of assault on him. The allegations were regarding outraging the modesty and the offences alleged against the present petitioner are under Section 354(A), 354 and 506 of IPC. The offence under Section 354(A) of IPC is bailable, while the other two offences are non-bailable one. But however they are triable by the learned Magistrate. The petitioner alleged to be a medical practitioner and question of he absconding or fleeing away from justice does not arise at all. Further it is submitted that 164 of Cr.P.C statement of the victim is already recorded and hence question of tampering the prosecution witnesses also does not arise.

8. Looking to these facts and circumstances, in my considered opinion there is no impediment for admitting the petitioner on anticipatory bail. The other

apprehensions raised by the learned HCGP can be meted out by imposing certain conditions. Hence, petition needs to be allowed and accordingly, I proceed to pass following:-

ORDER

The petition is **allowed**.

The petitioner is ordered to be enlarged on anticipatory bail in the event of his arrest Crime No.302/2022 of Chandralayout Police Station, registered for the offences punishable under Sections 354(A), 506 and 354 of IPC, on his executing a personal bond in a sum of Rs.50,000/-(Rupees Fifty Thousand only) with one surety for the like-sum to the satisfaction of the concerned IO/SHO, subject to following conditions:-

- i) Petitioners shall surrender before the concerned Investigating Officer within fifteen days from the date of receipt of a certified copy of this order and in the event of surrender, Investigating Officer/SHO shall release them on bail as directed.

- ii) The petitioner shall not tamper with the prosecution witnesses directly or indirectly;
- iii) The petitioner shall not indulge in any similar offences;
- iv) The petitioner shall not leave the jurisdiction of the Court without prior permission of the Trial Court;
- v) The petitioner shall appear before the Court, on all the dates of hearing, unless he is exempted by a specific order.
- (vi) The petitioner shall mark his attendance before the Investigating Officer/SHO between 9.00 a.m. and 5.00 p.m. on every 1st & 15th of the each month till the final report is submitted.

**Sd/-
JUDGE**

VS