

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MAY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.2917/2022

BETWEEN:

MR. N.R. SUGANDARAJU,

...PETITIONER

(BY SRI I.S PRAMOD CHANDRA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY MAGADI POLICE STATION,
RAMANAGAR DISTRICT,
THROUGH THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE-560001.
2. MRS. HASEENA TAJ,

...RESPONDENTS

(BY SRI K.S. ABHIJITH, HCGP FOR R-1,
SRI M. SOMASHEKHARA, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.49/2020 OF MAGADI P.S., RAMANAGARA DISTRICT FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 8 AND 12 OF POCSO ACT ON THE FILE OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA DISTRICT.

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

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner in Crime No.49/2020 of Magadi Police Station, Ramanagara District, for the offence punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short).

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

3. The factual matrix of the case of the prosecution is that this petitioner is a PT teacher and he misbehaved with a student who is studying in 10th standard and he had indulged in the same act when she was in 8th and 9th standard also. When the victim girl was unable to tolerate the act of this petitioner, a complaint was given to the Principal of the school and in

pursuance of the said complaint, the Principal of the school had lodged the complaint and case has been registered under Sections 8 and 12 of POCSO Act.

4. The learned counsel for the petitioner would submit that the petitioner is aged about 55 years and the complaint discloses that there was a delay in lodging the complaint and afterthought only a false complaint is lodged and no such complaint is filed earlier and investigation has already been completed and the petitioner has been in custody from last two months. The maximum punishment for the said offence is five years and hence he may be enlarged on bail subject to conditions.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State would submit that the complainant immediately has not lodged the complaint. When the victim girl brought to the notice of the friends, the friends told her to lodge a complaint with the Principal and accordingly the complaint is lodged and 164 statement of the victim was also recorded before the Court wherein also she has reiterated the very act of the petitioner.

6. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State and also on perusal of the material, particularly the complaint given by the Principal, specific allegation is made against the petitioner that this petitioner had indulged in committing of the offence under Sections 8 and 12 of the POCSO Act and the fact that the victim girl is a student of this petitioner is not in dispute. However, having taken note of the punishment provided for the said offence is for a period of maximum five years and the petitioner is in custody from last two months and investigation has already been completed and charge-sheet is also filed, hence there is no need of custodial trial and the matter requires to be decided in trial. Hence, it is appropriate to exercise the powers under Section 439 of Cr.P.C. with conditions.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.49/2020 of

Magadi Police Station, Ramanagara District, for the offence punishable under Sections 8 and 12 of the POCSO Act, subject to the following conditions:

- (i) The petitioner shall execute his personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioner shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.
- (iv) The petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Court till the case registered against him is disposed of.

**Sd/-
JUDGE**

MD