

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4<sup>TH</sup> DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.8596/2021

C/W

CRIMINAL PETITION NO.8546/2021

IN CRIMINAL PETITION NO.8596/2021

BETWEEN

K.S.N. RAJESH  
S/O LATE K N SEETARAMAIAH  
AGED 44 YEARS,  
ADVOCATE  
R/A NO. 4-35/4(9)  
SARVASHREE SANKAIGUDDE  
BEJAI NEW ROAD  
MANGALORE  
D.K. DISTRICT - 575 004.

... PETITIONER

(BY SRI DILRAJ JUDE ROHIT SEQUEIRA, ADVOCATE)

AND

THE STATE  
BY THE MANGALORE WOMEN POLICE STATION  
REPRESENTED BY THE  
PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BANGALORE - 560 001.

... RESPONDENT

(BY SRI H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.78/2021 OF MANGALORE WOMEN P.S.,

MANGALORE CITY FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 376, 376(2)(f), 376(2)(k), 376(c), 511, 354(A), 354(B), 354(D), 506, 384, 388, 389 READ WITH 34 OF IPC.

IN CRIMINAL PETITION NO.8546/2021

BETWEEN

K.S.N. RAJESH  
S/O LATE K N SEETARAMAIAH  
AGED 44 YEARS  
KSNR ASSOCIATES  
ESSEL CHAMBERS  
KARANGAL PADY  
MANGALORE  
D.K.575 004

... PETITIONER

(BY SRI DILRAJ JUDE ROHIT SEQUEIRA, ADVOCATE)

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THE STATE  
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... RESPONDENT

(BY SRI H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.79/2021 OF MANGALORE WOMEN P.S., MANGALORE CITY FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 506, 363, 384 READ WITH 34 OF IPC.

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

ORDER

These petitions are filed by the petitioner-accused No.1 in CrI.P.No.8596/2021 under Section 438 of Cr.P.C., for granting anticipatory bail in Crime No.78/2021 of Mangalore Women Police Station, Mangalore city for the offences punishable under Sections 376, 376(2)(f), 376(2)(k), 376(c), 511, 354(A), 354(B), 354(D), 506, 384, 388, 389 read with 34 of Indian Penal Code, 1860 (for short 'IPC') and in CrI.P.No.8546/2021 he is an accused No.2 in Crime No.79/2021 filed under Section 438 of Cr.P.C., for granting anticipatory bail by Mangalore Women Police Station, Mangalore city for the offences punishable under Sections 504, 506, 363, 384 read with 34 OF IPC.

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

3. The case of the prosecution in CrI.P.No.8596/2021 is that the prosecutrix aged about 20 years filed a complaint to the police on 18.10.2021 alleging

that she is second year Law Student studying in SDM Law College, Mangaluru and working at K.S.N.R. Law Associates office where the present petitioner is practicing advocate and also a Special Public Prosecutor appearing for the Lokayukta cases. At the request she was introduced to the petitioner through Dhruva Hegde her classmate and friend and joined in the office of the petitioner. The accused also said to have offered salary of Rs.6000/- to her per month and she started working there from 18.8.2021. The accused was manipulating the complainant by telling her that he will support her fatherly. Later the accused casually used to send CCTV footage in mobile and pictures. He used to watch her private movements like combing hair, washing face through CCTV footage through his mobile phone. Once he also asked her for taking selfie for which she denied stating that it was inappropriate. Thereafter he always kept telling her that he is missing her and likes her most amongst others in the office and he tried to manipulate her telling her that he is having enough money and also told that he is having

influence in Police, University, Politicians and being a Special Public Prosecutor at Lokayuktha he has influence in the Lokayukta and Judge. She further alleges that on 25.9.2021 it was Saturday he informed that he is having influence with Lokayukta and in Karnataka Law University and he will offer any job to the her. Subsequently at 6:40 PM there was no one in the office except herself. At that time when she wanted to leave but the accused forced her to stay and tried to pull her hands and tried to kiss her and made her to sit on his lap and molested her by pressing her private parts and breasts and attempted to commit rape on her and thereafter he is said to have threatened her not to reveal the same to anybody otherwise she will be murdered. There after she left the office. Again she has stated on 27.09.2021 at 10:00 AM when she visited office he convinced the complainant but later she contacted the wife of the accused namely Shashi and informed her about the incident. Subsequently accused said to be continuously threatening her to file extortion case against her involving all the people in the case if she

proceeded with any complaint. Again on 14.10.2021 she went to the office of the accused to tell him not to do anything to her as she was scared of doing anything against him which will cause trouble to her and that she will be murdered, at that time when he agreed and asked her to make a video graph saying that nothing has happened to her and all of that which had happened was false. She denied the same and refused for any compromise with him. Later on 14.10.2021 she came to know that there is a document which has been made by one Dhruva Hegde and signed on it, it was stated that she had agreed and sent the document to the petitioner office with an affidavit which says that she has done all of this for money, which is not true. Mr. Dhruva Hegde, his mom and his brother-in-law were involved in signing the document and Dhruva hegde had confessed that he and his family members were manipulated by KSN Rajesh. Hence she filed complaint with the Commissioner of Police for taking the action. Accordingly, the case was registered against the petitioner.

4. The case of the prosecutrix in Crl.P.No.8546/2021 filed by another victim student aged about 23 years stating she given her examination for final year LLB and waiting for the result. She joined the office of the petitioner as assistant and on 14.10.2021 at about 11.30 am the complainant said to have received a call from Pavithra the president of "Mahila vedike" stating that she has sent a viral video of audio conversation between the petitioner and the victim. Therefore she asked her to come to her office and two men came her house and took the complainant along with her sister Laxmi in the guise of taking her to Pavithra's office. Instead, she was taken to the Urva Police Station where the petitioner was also present. It is also alleged that the petitioner, Pavithra Acharya and two men abused the complainant in vulgar language and petitioner threatened the complainant with dire consequences to her life and obtained the statement stating that she has given false audio clipping in the social media. After the registration of the case for the offences

under Section mentioned above the police are making hectic effort to arrest the petitioner. The accused apprehending arrest in the hands of police, approached the Sessions Judge for grant of bail, which came to be rejected. Hence the petitioner is before this Court seeking for grant of bail.

5. The learned counsel for the petitioner contended that on perusal of records especially the statement of the complaint does not attract the provisions of Section 376 of IPC and also 354 of IPC and also subsection (a) (b) (c) and (d) even otherwise the alleged allegation against the petitioner under Section 376 of IPC is attempt to commit rape which is not punishable by death or imprisonment and also Section 354 of IPC is punishable with only three years, even the ingredients if it is attracted there is a delay in lodging the complaint. The petitioner is an advocate practicing at Mangaluru is ready for any investigation and he may not be required for any custodial interrogation. The CCTV footage already said to be destroyed as per the



victim but it can be retrieved. The voice sample also can be taken during the investigation. The medical examination also conducted when he appeared before the police. Such being the case the petitioner may not be required for any custodial interrogation. The petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, prayed for grant of bail.

6. Per Contra learned HCGP objected for the bail and contented that the petitioner is required for cross examination, custodial interrogation, seize his mobile for recovering video clippings and CCTV footage and he said to be involved in bribing the police officers as well as the judges. It is also available in the statement of the victim recorded under Section 164 of Cr.P.C. The offences are a heinous one and that he is influenced person he may destroy the evidence if granted anticipatory bail and prayed for dismissal of the bail.

7. Upon hearing the arguments and on perusal of the records, especially in the first place where the victim

has made the allegation of attempt to commit rape by misusing the power as an advocate in whose office she joined as intern and she is a student of second year law. Admittedly, petitioner is said to be a practicing advocate as well as a Special Public Prosecutor for conducting the cases at Lokayuktha. The allegation goes that the accused was closely watching her movements and physical appearance like combing hair and other private movements of the victim girl by taking the video clippings from the CCTV and used to show to the complainant. Also said to have stated that he is very influenced person and he will get her a job in future either in Lokayukta or Karnataka Law University and calling her to the office and misbehaving with her by holding her hands and making her to sit on him, pressing her buttocks and breasts and touching her inappropriately. She has stated that she felt his penis erect and attempted to commit rape, therefore she pushed him and ran out of the office. Ofcourse the learned counsel submits that the offence under Section 376 of IPC is not made out but the contents of the complainant reveals that the petitioner

made an attempt to commit rape and the student victim girl is internship in the office but because of the early erection he was unable to have intercourse with her otherwise he could have committed rape. But she managed to escape from him and later she tried to inform the friends who were known to the accused Dhruva Hegde and others but she could not get any help from them. The petitioner-accused also misused the situation of the innocent victim girl he had exploited his position by touching her body inappropriately comes within the meaning of Section 354 and 376 read with 511 of IPC. Even showing the video graph and trying to molest her utilizing her weakness as a student when she was doing internship and working under him amounts to ingredients made out in the IPC shows it is an attempt to commit rape on her. Of course material placed on record reveals there was no rape but there is constant sexual assault on the victim girl by the petitioner. The victim was under his custody believing him that she will be an assistant to gain legal knowledge from the accused. The petitioner is said to

be a Special Public Prosecutor working for Lokayukta and the practicing advocate in Mangalore having influence, definitely will destroy the evidence if he is granted anticipatory bail.

Upon hearing the arguments and on perusal of the records, ofcourse in the another case in Crime No.79/2021 clearly reveals he abducted the victim girl who is also an assistant working in the same office with the accused and the accused took her to the police station along with the other accused and obtained her statement and trying to destroy the evidence and screening the offence and concealing everything as false colluding with her friend which reveals that the accused already attempted to not only committing the offences but also trying to screen the offence and destroy the evidence. Therefore as contended by the learned counsel he may be available for the investigation but that is not enough he may be required for the custodial interrogation in respect of collecting the video clipping, seizure of mobile phone retrieving the video

graph and even for recording the voice sample comparison and sending it to the FSL and seizing the CCTV footage from the office of the petitioner. Therefore though the offences are not punishable with death or imprisonment, but the allegation made by the victims in both cases are serious in nature. The petitioner is practicing advocate and said to be having influence in Police, University and Judges, such being the case this Court do not intend to grant anticipatory bail to the petitioner.

It is not a fit case for exercising power under Section 438 Cr.P.C. Hence both the petitions are dismissed.

**Sd/-  
JUDGE**

AKV