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Raju vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Apr-08-2025

Judge : S Rachaiah

Appeal No. : CRL.P/200599/2025

Appellant : RAJU

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 8TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO.200599 OF 2025 (439(Cr.PC)/483(BNSS)) BETWEEN: RAJU HUJARATHI S/O SHIVAPPA HUJARATHI, AGE: 23 YEARS, OCC: TRUCK DRIVER, R/O KEMBHAVI VILLAGE, TQ: CHITTAPUR, DIST: KALABURAGI. PETITIONER (BY SRI GANESH NAIK, ADVOCATE) AND:

1. THE STATE OF KARNATAKA,

Digitally signed THROUGH WOMEN POLICE STATION YADGIRI, by RENUKA DIST: YADGIRI, ITS REPRESENTED BY SPP, Location: HIGH COURT OF HIGH COURT OF KARNATAKA, KARNATAKA AT KALABURAGI BENCH, DIST: KALABURAGI-585103.

2. SRI SABAREDDY S/O MAREPPA KOULUR,

AGE: 41 YEARS, OCC: AGRICULTURE, R/O KAWALUR VILLAGE, TQ: AND DIST: YADGIR-585202. RESPONDENTS (BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1 SRI SHRAVANKUMAR MATH, ADVOCATE FOR R2) -2- THIS CRIMINAL PETITION IS FILED UNDER SECTION 439

OF CR.P.C. (OLD), 483 OF BNSS PRAYING TO ALLOW THE PETITION THERE BY ENLARGE THE PETITIONER ON BAIL IN SPL. CASE (POCSO) NO.13/2025 PENDING ON THE FILE OF THE DISTRICT AND SESSIONS JUDGE AT YADGIRI IN CRIME NO.56/2024 REGISTERED BY THE WOMEN POLICE STATION, YADGIRI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 376(2)(N), 376(3) READ WITH SECTION 34 OF IPC, SECTIONS 4 AND 6 OF THE POCSO ACT AND SECTIONS 9, 10 AND 11 OF THE PROHIBITION OF CHILD MARRIAGE ACT, 2006.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH) This petition is filed by accused No.1 seeking to release him on bail in Spl.Case (POCSO) No.13/2025, pending on the file of the District and Sessions Court, Yadgir, in Crime No.56/2024, registered by the Women Police Station, Yadgir, for the offences punishable under Sections 376(2)(n) and 376(3) read with Section 34 of IPC, Sections 4 and 6 of the POCSO Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2006. -3-

2. The factual matrix of the case are as under: It is the case of the prosecution that on 23.11.2024 at about 07-30 p.m., the victim had been admitted to the hospital for delivery. The hospital authority after suspecting the age of the victim had informed the

respondent/police. The respondent/police visited the hospital and requested the doctor to certify the age of the victim. The doctor told that the age of the victim was between 14-16 years. On an enquiry, the victim had told them that she studied up to second standard and thereafter, she discontinued her study. As her father died, her mother had performed her marriage one year ago. It is an arranged marriage. Based on the statement of the

victim, the FIR came to be registered in Crime No.56/2024.

3. Heard Sri Ganesh Naik, learned counsel for the

petitioner, Sri Jamadar Shahabuddin, learned High Court Government Pleader for respondent No.1/State and -4- Sri Shravankumar Math, learned counsel for respondent No.2.

4. It is the submission of the learned counsel for

the petitioner that the investigation is completed and the charge sheet is submitted. The petitioner is none other than the husband of the victim. The victim had given birth to a child. The petitioner has to take care of the child and the victim and also his parents. It is further stated that he is the earning member of the family and he will abide the conditions imposed by this Court in the event of his release on bail. Making such submissions, he prays to allow the petition.

5. Per contra, the learned High Court Government

Pleader submitted that even though the petitioner is the husband of the victim, the fact remains that she is a minor and the marriage between the petitioner and the victim is voidable. Hence, the alleged offences are applicable. Therefore, the petitioner is not entitled for the relief as -5- prayed for. Making such submissions, he prays to dismiss the petition.

6. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it appears from the record that the victim

had been admitted to the hospital for delivery. There, the hospital authority learnt that she married the petitioner. Therefore, they informed the nearest police station.

The respondent/police had been to the hospital and recorded the statement of the victim and registered the case.

7. Be that as it may, the facts remains that the

petitioner is the husband of the victim. Now she gave birth to a male child and the petitioner has to take care of the family. Considering the relationship between the petitioner and the victim, it is appropriate to grant bail by imposing suitable conditions.

8. Hence, I proceed to pass the following: -6-

ORDER

(i) The criminal petition is allowed.

(ii) The petitioner is ordered to be enlarged on bail

> in Spl.Case (POCSO) No.13/2025, pending on the file of the District and Sessions Court, Yadgir, in Crime No.56/2024, registered by the Women Police Station, Yadgir, for the offences punishable under Sections 376(2)(n) and 376(3) read with Section 34 of IPC, Sections 4 and 6 of the POCSO Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2006, by executing personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court on the following condition:

a. The petitioner shall appear before the Trial Court on all hearing dates without fail. Sd/- (S RACHAIAH) JUDGE RSP List No.: 1 Sl No.: 25 CT:PK

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