

Shravanth. S vs State of Karnataka

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Court : Karnataka

Decided On : Feb-01-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/692/2025

Appellant : Shravanth. S

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 692 OF 2025 (438(Cr.PC) / 482(BNSS)) BETWEEN: SHRAVANTH. S S/O SRINIVAS MURTHY AGED ABOUT 36 YEARS, R/A VIDYANAGARA, BEHIND OLD JAI BHARATH PETROL BUNK, RAMANAGARAM, RAMANAGAR, KARNATAKA - 562159 PETITIONER (BY SRI. RAJAVARDHANA REDDY, ADVOCATE FOR SRI. RANGANATH REDDY R., ADVOCATE) AND: STATE OF KARNATAKA

Digitally BY CHANNAMMANA KERE ACHUKATTU P.S., signed by BANGALORE-560 050. LAKSHMI T REP. BY SPP, Location: High Court HIGH COURT BUILDING, of Karnataka BANGALORE-01. RESPONDENT (BY MS. ASMA KOUSER, ADDL. SPP) THIS CRL.P IS FILED U/S 438 CR.P.C (U/S 482 BNSS) PRAYING TO ORDER THE PETITIONER TO BE ENLARGED ON ANTICIPATORY BAIL IN CR.NO.260/2024 REGISTERED IN CHENNAMMANAKERE ACHUKATTU P.S., PENDING BEFORE THE 37th ACMM COURT, FOR THE OFFENCES P/U/S 69,115(2),351(2),352,318(2) OF BNS ACT. -2- THIS PETITION, COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

The petitioner/accused No.1 in Crime No.260/24 of Chennammanakere Achukattu police station, Bengaluru City, registered for offences punishable under Section 69,115(2),351(2),352,318(2) of the BNS, 2023 has preferred this petition under Section 482 of BNSS 2023 to enlarge him on anticipatory bail.

2. Heard learned counsel for the petitioner and learned Additional SPP for the State and perused the material on record.

3. The gist of the complaint lodged by the victim is that

she is working in a Beauty Parlour and she had obtained divorce from her husband. She had registered her name in the Shadi.com for second marriage. She came in contact with the petitioner working in Manyata Tech Park through Shadi.com. In the month of August, 2023, he met her in -3-

her house and in the month of September 2023, he met her and proposed to marry her saying that he too has given divorce to his wife. The further allegations are that, petitioner with a promise of marriage, committed sexual intercourse with her on several occasions and thereafter refused to marry and also assaulted and

threatened her etc.

4. In the complaint it is stated that in the month of

November 2023, victim gave Rs.3,00,000/- to the accused, at his request, to purchase a car and for about 9 months, he used to visit her house and continuously committed sexual intercourse with her and when she asked about the purchase of car, he told her that he will purchase the car at the time of marriage.

5. The victim herself has stated in the complaint that on various dates, a total sum of Rs.50,250/- was paid by the petitioner to her through PhonePay and in the month of June 2024, he purchased a Swift Car bearing registration No.KA.04 AD 9911. -4-

6. Learned Additional SPP has contended that as the petitioner had promised to marry, consent, if any, given is

under misconception of fact. She contended that the petitioner has not only abused the victim sexually but also physically and he has threatened her that she will be killed, if any complaint was lodged.

7. Complaint is lodged against the petitioner and his

mother, alleging that even his mother convinced the victim not to lodge the complaint and thereafter both the accused have made false allegations against her stating that she is blackmailing them etc.

8. It is alleged in the complaint that since October

2023, continuously, the accused has committed sexual intercourse with the victim. On 26.6.2024, when the petitioner visited her house, she requested her to marry but he refused. Instead, he abused, assaulted and even blocked her phone number. Therefore, she attempted to commit suicide by consuming some pills. -5-

9. According to the complaint, once again on

17.07.2024, the accused, by convincing the victim not to lodge any complaint, committed sexual intercourse with her. Even thereafter, the accused and the petitioner were in a relationship.

10. It is held in Dr. Dhruvaram Murlidhar Sonar Vs. State of Maharashtra and Others, (2019)18 SCC 191, that "conscious decision of victim to be involved in sexual

relationship with accused without pressure or misconception on part of accused and relationship not involving passive submission of victim, offence of rape is not made out". Whether the consent given by the victim was under misconception of fact, has to be established during trial.

11. Petitioner has undertaken to co-operate with the investigation of the case and abide by other conditions. Considering the facts and circumstances, without expressing any view on the merits of the case, relief -6- sought by the petitioner can be considered by imposing conditions.

12. Accordingly, the following :

ORDER

Petition is allowed. Petitioner/accused No.1 in Crime No.260/2024 registered in Chennammanakere Achukattu Police Station, Bengaluru, pending before the XXXVII ACMM Court, Bengaluru, shall be enlarged on bail, subject to following conditions:

1. He shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with a surety for the likesum to the satisfaction of the jurisdictional Court.
2. He shall not intimidate or influence the victim in any manner.
3. He shall furnish proof of his residential address and shall inform the Court, if there is change in the address. -7-
4. He shall not directly or indirectly tamper with the prosecution witnesses.

5. He shall not indulge himself in committing any offence.

6. He shall appear before the trial Court regularly on all dates of hearing. Violation of any of the condition shall result in cancellation of bail. Sd/- (MOHAMMAD NAWAZ) JUDGE rs

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