

Prem Kumar Alias Prem Alias Puttu Alias Prem vs State of Karnataka

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Court : Karnataka

Decided On : Jun-16-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/4117/2025

Appellant : Prem Kumar Alias Prem Alias Puttu Alias Prem

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 4117 OF 2025 BETWEEN: PREM KUMAR @ PREM @ PUTTU @ PREM S/O KARIBASAPPA AGED ABOUT 32 YEARS R/AT THYAGADAKATTE VILLAGE HONNALLI TALUK, DAVANAGERE DISTRICT - 577 217. PETITIONER (BY SRI SANDESH T.B, ADV.) AND:

1. STATE OF KARNATAKA

BY CHANNAGIRI POLICE STATION DAVANAGERE DISTRICT REPRESENTED BY ITS STATE Digitally PUBLIC PROSECUTOR signed by HIGH COURT

BUILDING NANDINI M S BENGALURU - 560 001. Location: HIGH COURT OF 2.
XXX KARNATAKA RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1; V/O DTD:15.04.2025
NOTICE TO R-2 IS H/S) THIS CRL.P IS FILED U/S.439 (FILED U/S.483
BNSS) CR.P.C PRAYING TO RELEASE PETITIONER/ACCUSED NO.1
ON BAIL IN SPL.C.NO.14/2025 (CRIME NO.463/2024) C.C.NO.09/2025
REGISTERED BY THE CHANNAGIRI POLICE STATION,
DAVANAGERE DISTRICT, FOR THE OFFENCE P/US/ 64,87 OF BNS
ACT 2023 AND U/S.6,17 OF POCSO ACT 2012 PENDING ON THE
FILE OF THE LEARNED ADDL. DISTRICT AND SESSIONS JUDGE
FTSC I AT DAVANAGERE BY ALLOWING THIS PETITION. -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S
VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.1 in Special Case No.14/2025 pending before the Court of
Additional District and Sessions Judge, FTSC-I, Davanagere, arising out of Crime
No.463/2024 registered by

Channagiri Police Station, Davanagere, for the offences punishable under
Sections 64 and 87 of BNS, 2023 and Sections 6 and 17 of the POCSO Act, 2012,
is before this Court under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.195/2024 was registered by Bhadravathi

Rural Police Station, Shivamogga, for the aforesaid offences against the petitioner
herein and another based on the first information dated 03.10.2024 received from
the victim girl aged about 17 years. During the course of investigation, petitioner

herein was arrested on 09.12.2024 and subsequently, remanded to judicial custody. After completing investigation, charge sheet has been filed against two persons. -3- Petitioner is arraigned as accused No.1 in the charge sheet. His bail application filed before the Trial Court in Special Case No.14/2025 was rejected on 18.02.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that

investigation of the case is completed and charge sheet is already filed. Custody of the petitioner is no more required. Petitioner has no other criminal antecedents. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has seriously opposed the

prayer made in the petition and submits that material on record clearly makes out a case for the alleged offences against petitioner. In the event, petitioner is enlarged on bail, he is likely to tamper with the prosecution witnesses. Accordingly, he prays to dismiss the petition.

6. FIR in the present case was initially registered by

Bhadravathi Rural Police Station, Shivamogga in Crime No.195/2024 for the aforesaid offences against the petitioner and another based on the first information dated 03.10.2024 -4-

received from the victim girl aged about 17 years. Subsequently, for want of jurisdiction, FIR was transferred to Channagiri Police Station, Davanagere, and was registered in Crime No.463/2024. In the said case, petitioner was arrested on 09.12.2024 and subsequently, remanded to judicial custody. After investigation was completed, charge sheet has been filed against two persons. Accused No.2 is the maternal aunt of the victim girl. Charge sheet material would go to show that accused No.1 had an illicit relation with accused No.2, who had deserted her husband. Victim girl subsequently came to the house of accused No.2 for the purpose of pursuing her education. Petitioner, who got acquainted to the victim girl, in the house of accused No.2 tried to get close to her.

7. On 23.09.2024, on the instructions of the petitioner,

accused No.2 took the victim girl with her to a temple and on their way, petitioner allegedly picked up accused No.2 and the victim girl in his car bearing registration No.KA01MG5939. When the car reached near the forest area, petitioner allegedly took the victim girl with him into a forest area and had forcible intercourse with her inside the forest. The victim girl who

-5- suffered severe bleeding from her private parties after she was sexually assaulted by the petitioner, was thereafter taken to Hospital and the medical reports of the victim girl speak about the alleged sexual assault made on her by the petitioner.

8. Victim girl has made serious allegations against the

petitioner in her statement that was recorded subsequently by the jurisdictional Magistrate under Section 183 of BNSS, 2023. Therefore, at this stage, there is sufficient material to connect the petitioner to the alleged crime and the material on record would also prima facie go to show that the victim girl was a

minor as on the alleged date of incident. Considering the facts

and circumstances of the case, the apprehension of petitioner tampering with the material charge sheet witnesses also cannot be ruled out. Under the circumstances, I am of the opinion that it is not a fit case to enlarge the petitioner on regular bail at this stage. Accordingly, the petition is dismissed. Sd/- (S VISHWAJITH SHETTY) JUDGE DN

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