

Kotresh J vs the State by

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Court : Karnataka

Decided On : Jul-07-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/7239/2025

Appellant : Kotresh J

Respondent : The State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2025 BEFORE THE HON'BLE
MR. JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 7239
OF 2025 BETWEEN:

1. KOTRESH J. S/O LATE JAYAPPA AGED ABOUT 21 YEARS R/O
NEAR KOLLAPARUDAMMA TEMPLE KAVADIGARAHATTI
CHITRADURGA-577 501. PETITIONER (BY SRI. R.SHASHIDHARA,
ADVOCATE) AND: Digitally signed by NANDINI M S Location:

1. THE STATE BY HIGH COURT CHITRADURGA WOMEN POLICE STATION OF KARNATAKA CHITRADURGA REPRESENTED BY SPP HIGH COURT BUILDING BANGALORE -01.

2. XXX

RESPONDENTS (BY SMT. WAHEEDA M.M., HCGP FOR R1; R2 - SERVED & UNREPRESENTD) -2- THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNSS, 2023) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN CR.NO.128/2024 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 64(2)(m), 190, 137(2) OF BNS, SECTIONS 4, 6 AND 17 OF POCSO ACT AND SECTIONS 9 AND 10 OF PROHIBITION OF CHILD MARRIAGE ACT REGISTERED BY CHITRADURGA WOMEN P.S, PENDING ON THE FILE OF SPECIAL 2ND ADDITIONAL DISTRICT AND SESSIONS JUDGE AT CHITRADURGA IN SPL.C.(POCSO) NO.4/2025. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

The accused in Spl.C.(Pocso)No.4/2025 pending before the Court of Special, 2nd Additional District And Sessions Judge, Chitradurga arising out of Crime No.128/2024 registered by Chitradurga Women Police Station for the offences punishable under Sections 64(2)(m), 190, 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 9 and 10 of Prohibition of Child Marriage Act, -3-2006, is before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail.

2. Heard the learned counsel for the petitioner and learned HCGP for respondent No.1. Respondent No.2 who is served in the matter has remained unrepresented

before this Court.

3. F.I.R. in Crime No.128/2024 was registered by

Chitradurga Women Police Station, Chitradurga initially for offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 against unknown persons based on the first information dated 03.11.2024 received from respondent No.2-father of the victim girl. During the course of investigation, petitioner and the victim girl were traced and the petitioner was arrested on 10.11.2024 and

subsequently, remanded to judicial custody. After completing the investigation, chargesheet has been filed against five persons and petitioner is arrayed as accused -4- No.1 in the chargesheet. His bail application filed before the jurisdictional Sessions Court in Spl.C(Pocso)No.4/2025 was rejected on 28.04.2025, therefore, he is before this Court.

4. Perusal of the material on record would go to

show that the victim girl was found missing from her house on 02.11.2024. Efforts made to trace her had failed and therefore, her father had approached the police on 03.11.2024 and based on his first information, F.I.R. was initially registered for offence punishable under Section 137(2) of BNS, 2023 against unknown persons. During the course of investigation, petitioner and the victim girl were traced. The petitioner who was arrested on 10.11.2024, was subsequently remanded to judicial custody. After completion of the investigation, chargesheet has been filed against five persons.

5. Perusal of the chargesheet material would go to show that the petitioner and the victim girl were -5-

acquainted to each other and on 02.11.2024, victim girl had gone near Murugha Mutt at Chitradurga town to meet the petitioner. The petitioner allegedly took her along with him with the help of accused No.2 and they stayed in the house of accused No.2 for a day and on 03.11.2024 in the presence of accused Nos.2 and 3, they got married. Thereafter, on 04.11.2024 they stayed in the house of accused No.4 and subsequently, they went to the house of accused No.5 and

stayed in her house on 06.11.2024. The victim girl was medically examined in the present case and before the doctor she was stated that she was in love with the petitioner since one year.

6. Statement of victim girl under Section 183 of

BNSS, 2023 was recorded on 16.11.2024. In the said statement, victim girl has stated that she was acquainted with the petitioner and she had informed him that till she attains the age of 18, she does not intend to marry him. She has said that on 02.11.2024, she had gone near Murugha Mutt and met the petitioner and subsequently,

-6-

they got married and stayed in the house of petitioner's elder sister. She has not made any allegations against the petitioner about he having sexual intercourse with her, when she stayed with him from 02.11.2024 onwards, till she was traced and brought back to her village. It appears that the petitioner and victim girl were in love and victim girl had voluntarily left her house.

7. Petitioner aged 21 years, having no other

criminal antecedents is in custody for the last nearly eight months. Trial in the case is yet to commence. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail is required to be answered affirmatively without reference to the merits and demerits of the case. Accordingly, the following:-

ORDER

The petition is allowed. -7- The petitioner is directed to be enlarged on bail in Spl.C.(Pocso)No.4/2025 pending before the Court of

Special, 2nd Additional District And Sessions Judge, Chitradurga arising out of Crime No.128/2024 registered by Chitradurga Women Police Station for the offences punishable under Sections 64(2)(m), 190, 137(2) of the Bharatiya Nyaya

Sanhita, 2023 and Sections 4, 6 and 17 of the POCSO Act, 2012 and Section 9 and 10 of Prohibition of Child Marriage Act, 2006, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court; b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons; -8- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioner shall not involve in similar offences in future; e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off. Sd/- (S VISHWAJITH SHETTY) JUDGE PGG,PSJ List No.: 1 SI No.:

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