



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**  
**DATED THIS THE 3<sup>RD</sup> DAY OF JULY, 2024**  
**BEFORE**  
**THE HON'BLE MR JUSTICE S.RACHAIAH**  
**CRIMINAL APPEAL NO. 100296 OF 2024**  
**(U/S 14 A(2) of SC and ST ACT 2015)**

**BETWEEN:**

RAFIQ S/O. LAALSAB BEPARI  
AGE: 33 YEARS, OCC: AGRICULTURE,  
R/O: NEW GANDHI NAGAR MUNAVALLI VILLAGE,  
TALUK: SAVADATTI, DIST: BELAGAVI I 591117.

...APPELLANT

(BY SRI. MAHANTESH S. HIREMATH, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
THROUGH SAVADATTI POLICE  
REPRESENTED BY HCGP  
HIGH COURT OF DHARWAD
2. SMT. KAVERI YALLAPPA BHAJANTRI,  
AGE: 28 YEARS, OCC: HOUSEHOLD,  
R/O: SIDDESHWAR NAGAR MUNAVALLI,  
TQ: SAUNDATTI, DIST: BELAGAVI 591309.

...RESPONDENTS

(BY SRI.PRAVEENA Y. DEVAREDDIYAVARA, HCGP FOR R1;  
SRI. S. R. HEGDE, ADVOCATE FOR R2)

THIS CRIMINAL APPEAL IS FILED U/S 14A(2) OF SC/ST (POA) ACT 2015, SEEKING TO ALLOW THIS CRIMINAL APPEAL BY SETTING ASIDE THE ORDER DATED 21.05.2024 PASSED BY THE III ADDL.DISTRICT AND SESSIONS JUDGE, BELAGAVI, IN CRIMINAL MISC. NO.544/2024 AND CONSEQUENTLY RELEASE ON BAIL THE APPELLANT/ACCUSED NO.1 IN SAVADATTI P.S CRIME NO.164/2024 AND ETC.,

THIS APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:





CORAM: HON'BLE MR JUSTICE S RACHAIAH

**ORAL JUDGMENT**

1. This Criminal Appeal is filed by the appellant, being aggrieved by the order dated 21.05.2024 in Criminal Misc.No.544/2024 on the file of learned III Addl. District and Sessions Judge, Belagavi, wherein the Trial Court rejected the bail application filed by the petitioner herein.

2. The rank of the parties in the Trial Court henceforth will be considered as it is, for convenience.

**Brief facts of the case:**

3. It is the case of the prosecution that, victim is a married woman, her marriage stated to have been solemnized in the year 2013 with Yallappa Bharamappa Bhajantri. The couple had two children. She was staying in the joint family. Her mother-in-law was running retail shop in the village. Whenever, her mother-in-law went home to have lunch, the victim was doing business in the said shop.



4. In such circumstances, the petitioner developed friendship with her and collected her mobile phone number and used to talk with her often. Further, he induced her that he would get her suitable job and insisted her to accompany him. The victim believing his version and became close to him. As result of which, she had been sexually assaulted by him and thereafter, he took her to Belagavi and there he confined her and forced her to convert to his community for marriage. Further, it is stated in the complaint that, during her confinement in Belagavi, she was being guarded by one female and she was watching the victim that she should not go out of the house. It is stated in the complaint that the victim had been raped on several occasions in the said house.

5. It is further stated that, somehow, the victim has managed to escape from the house where she had been confined and called her husband and narrated the incident. Thereafter, she lodged a complaint before the jurisdictional police. The Jurisdictional Police after registering the case, conducted the investigation and submitted the charge sheet.

6. Heard Shri Mahantesh S.Hiremath, learned counsel for appellant, Shri Praveena Y.Devareddiyavara, learned High



Court Government Pleader for respondent No.1 – State and Shri S.R.Hegde, learned counsel for respondent No.2.

7. It is the submission of the learned counsel for appellant that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. In fact, the entire allegations made in the complaint are baseless and false. There are no documents to show that the complainant was taken along with the appellant and confined her in a house situated at Belagavi.

8. It is further submitted that the complainant has made false allegation that she was asked to convert to Islam for marriage with the appellant. In fact, the family members of her husband did not lodge any complaint even after her elopement from her house. That would indicate that the victim was not abducted by anybody.

9. It is further submitted that, the appellant is a permanent resident of Munavalli Village and aged about 33 years and was working as an agriculturist. The appellant is an earning member of the family and the family is depending on his income. Therefore, his bail application may be considered



and he may be enlarged on bail by imposing suitable conditions.

10. Per contra, the learned High Court Government Pleader for respondent No.1 vehemently opposed the appeal and submitted that the victim being a married woman has narrated the entire cruelty of which she was meted out from the appellant in her complaint. Though, the appellant knew that she was married woman and having two children, she was forced to elope from her house and was asked to convert into Islam. The act of committing rape and forcing her to convert to Islam is intolerable and indecent. Therefore, the victim has lodged a complaint. Hence, it is not appropriate to grant bail and his bail application has to be rejected.

11. After having heard the learned counsel for the respective parties and also perused the averments of the complaint, it appears from the record that the victim had been induced on the pretext of getting her suitable job and committed rape and thereafter, she was blackmailed and taken her to Belagavi and confined there in a rented house along with one female guard and forced her to convert to Islam.



12. It appeared from the record that, she had managed to escape from the house and informed her husband and lodged a complaint. The eagerness of the victim to join her family by leaving the company of the appellant would indicate that how much she had been subjected to harassment. Therefore, having considered her mental status and condition, it is not appropriate to grant bail to the petitioner.

13. It is needless to say that, while considering the bail applications, the factors which are required to be considered are nature of offence, gravity thereof and societal impact etc., In the present case, the act of inducing innocent and poor women and forcibly converting to Islam is a serious development and therefore, in order to avoid such bad development, it is necessary to give message to society that Courts are vigilant to regulate such activities and also guarding the innocent and underprivileged women and children of the society.



14. In the light of the observations made above, the bail application has to be rejected. Accordingly, I proceed to pass the following:-

**ORDER**

The Criminal Appeal stands *rejected*.

**Sd/-**  
**(S.RACHAIAH)**  
**JUDGE**

VMB  
CT:ANB  
List No.: 2 SI No.: 3