



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 4209 OF 2024

BETWEEN:

NIKIL SANKLA @ JASWANTH KUMAR,
SON OF DAYA LAL JI,
AGED ABOUT 20 YEARS,
RESIDENT OF WARD NO.01,
BHINMAL VILLAGE, JUJANI ROAD,
JALOR DISTRICT, RAJASTHAN - 343 029.
PERMANENT RESIDENT OF NO.119, SENDI COLONY,
BALAJI NAGAR, AURANGABAD DISTRICT,
MAHARASTRA STATE - 431 001.

...PETITIONER

(BY SRI. VACHAN G.A, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY CITY MARKET POLICE,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT BENGALURU - 560 001.
2. XXXX,





...RESPONDENTS

(BY SRI. RAHUL RAI K, HCGP FOR R1;
R2 - SERVED)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.12/2024 OF CITY MARKET P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 354(A) OF IPC AND SEC.8 OF POCSO ACT AND SEC.66(C), 66(E) OF I.T ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner-accused is before this Court seeking grant of bail under Section 439 of Cr.P.C., in Crime No. 12/2024 of City Market Police Station, pending on the file of the Court of FTSC-1, Addl. City Civil and Sessions Judge, Bengaluru registered for the offence punishable under Section 354(A) of the Indian Penal Code (for short 'IPC') and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO') and Sections 66(c), 66(E) of Information Technology Act, 2000 (for short, I.T.) on the basis of the first information lodged by the informant.



2. Heard Sri. Vachan G.A., learned counsel for the petitioner and Sri. Rahul Rai, learned High Court Government Pleader for respondent No.1-State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

4. The petitioner being the sole accused is seeking grant of bail. He was apprehended on 30.01.2024. The victim girl is said to be aged 17 years and the petitioner after having chats with her over instagram, took her intimate photos, committed sexual assault and started blackmailing the victim and her family members. The investigation is completed and the charge sheet is filed. Serious allegations are made against



the petitioner for having committed the offence. As per Annexure-C- school admission register produced by the petitioner which discloses that as per the school records, the date of birth of the victim is 20.05.2003. However, the birth certificate of the victim relied on by the prosecution shows her date of birth as 05.06.2006. Even though it is stated that the offence was committed during the month of December, 2022, the first information came to be filed on 19.01.2024.

5. It is to be noted that, the petitioner is hardly aged 20 years. If he is detained in custody, there is every possibility of he coming in contact with hardcore criminals, which is not in the best interest of the petitioner. It is not the contention of the prosecution that the petitioner is required for further investigation. Under such circumstances, I am of the opinion that the petitioner is entitled to be enlarged on bail subject to conditions, which will take care of the apprehension expressed by the learned High Court Government Pleader that the petitioner may abscond or may tamper or threaten the prosecution witnesses.



6. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is ***allowed***.

The petitioner is ordered to be enlarged on bail in Crime No. 12/2024 of City Market Police Station, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like sum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioner shall not commit similar offences.
- b). The petitioner shall not threaten or tamper with the prosecution witnesses.
- c). The petitioner shall appear before the Court as and when required.

If in case, the petitioner violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioner, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the



documents furnished by the petitioner and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner on bail.

Sd/-
JUDGE

JS
List No.: 1 SI No.: 11
CT: BHK