

Daily Orders for Case CRL.P 4658/2024

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	S RACHAIAH	23/05/2024	At the request of learned counsel for the petitioner list this matter on 05.06.2024.
2	M.NAGAPRASANNA	05/06/2024	List this matter on 11.06.2024, in the fresh matters list.
3	M.NAGAPRASANNA	13/06/2024	<p>The petitioner is before this Court calling in question proceedings in Special case No.242 of 2023 pending before the Additional District & Sessions Judge and FTSC-1 at Mysore, arising out of crime in Crime No.14 of 2023 registered for offences punishable under Section 376 (2)(n) of the IPC and Sections 5(L), 5(J)(II)& 6 of the Protection of Children from Sexual Offences Act, 2012 ('the Act' for short). 2. Heard Sri M. Sharass Chandra, learned counsel for the petitioner and the learned High Court Government Pleader for respondent No.1. 3. Facts, in brief, germane are as follows:- A complaint comes to be registered by one Smt. Meenakshi, mother of the victim that her daughter and the petitioner are in love with each other while studying in Shree Kanteshwara School and it was the further case that the petitioner and her daughter used to meet often and on one fine day, the petitioner goes to the school in the bike, takes the complainant's daughter to an isolated place and commits sexual assault on her. She was at that point in time 16 years and 9 months old. The said incident happened on 15-02-2023. The police conduct investigation and file a charge sheet against the accused/petitioner and the matter is now pending in Special Case No. 242 of 2023. 4. The petitioner/accused has been in judicial custody from the next day of registration of the complaint i.e., 16-02-2023. From the sexual act of the petitioner, the victim bares a child. The present petition though is preferred seeking annulment of entire proceedings, it is the submission of the learned counsel appearing for both the petitioner and the respondents that the petitioner and the victim were in love, but the parents had come in between them. At the point in time due to sexual act, child is born and the child is now a year old. The parties are seeking closure of these proceedings on account of desire of the petitioner to get married to the victim as the victim and her child are not left in lurch. Now the families are also wanting to get the two married. Therefore, this petition is preferred in the nature of compounding of the offence on account of such compromise. At the time when the petitioner was taken into custody or even a month ago, the victim had not yet completed 18 years. 5. The victim is now aged 18 years and, therefore, the marriage is what is seen as the necessary solution by the members of the families in the peculiar facts of the case. This Court directed production of a report of DNA that was conducted at the time of birth of the child. The report of the DNA is placed before this Court. The report depicts that the petitioner is the biological father and the victim is the biological mother of the child. Therefore, the child is born from the sexual act between the two is not in dispute. 6. In the peculiar circumstances, as the mother has to bring up the child at this tender age, looking at the fate of the mother and the child who are in dire straits, I deem it appropriate to redeem the grievance of the families by permitting the petitioner to get married to the victim, who is now more than 18 years old and for the purpose of the said marriage, I deem it appropriate to grant the petitioner interim bail in exercise of jurisdiction under Section 482 of the Cr.P.C. enabling the petitioner to come out and get married to the victim. This course is taken, owing to the peculiarity obtaining in the facts and circumstances of the case at hand, as the mother has to bring up the child. The new born life does not know as to what has happened. It should not suffer the ignominy of any kind in future. Therefore, to protect the interest of the child and also responsibility of the mother in bringing up the child, this direction is found necessary to be issued. 7. For the aforesaid reasons, while keeping the petition pending, I deem it appropriate to pass the following order: O R D E R a. The petitioner shall be released on grant of interim bail which will be operational from 17-06-2024 upto 03-07-2024. b. The petitioner shall return to the goal on the evening of</p>

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		3rd July, 2024.	c. The Certificate of evidence of marriage shall be placed before the Court on the next date of hearing. d. The petitioner shall mark his attendance once in a week before the jurisdictional Police Station. e. It is made clear that any deviation of the purpose for which the interim bail is granted, would be taken seriously. 8. List the matter on 4th July, 2024, in the fresh matters list.