



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 19TH DAY OF FEBRUARY, 2025
BEFORE
THE HON'BLE MR. JUSTICE S.RACHAIAH
CRIMINAL APPEAL NO. 100477 OF 2024
(U/S 14 A(2) of SC and ST ACT)

BETWEEN:

SHRI RAFIQ

...APPELLANT

(BY SRI. S M MUCHHANDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THE POLICE INSPECTOR SAVADATTI,
TALUK: SAVADATTI, DISTRICT: BELAGAVI
PIN - 591 126.
R/BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
HIGH COURT OF KARNATAKA,
AT DHARWAD BENCH, PIN - 580 011.

2. SMT. KAVERI

...RESPONDENTS

(BY SMT. GIRIJA HIREMATH, HCGP FOR R1;
SMT. S R HEGDE, ADVOCATE FOR R2 (AB))

THIS CRIMINAL APPEAL IS FILED U/S 14 A(2) OF SC/ST (PA)
ACT, PRAYING TO SET ASIDE THE ORDER PASSED BY III
ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI, IN
CRI.MISC. NO.861/2024 DATED 19.08.2024 AND ETC.,

Digitally
signed by
NARAYANA
UMA
Location:
HIGH COURT
OF
KARNATAKA



THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 01.02.2025, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT DELIVERED THE FOLLOWING:-

CORAM: THE HON'BLE MR. JUSTICE S.RACHAIAH

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S.RACHAIAH)

1. This appeal is filed by the appellant / accused No.1, seeking to set aside the order dated 19.08.2024 passed in Crl.Misc. No.861/2024 by the III Additional District and Sessions Judge, Belagavi and enlarge the appellant on bail in Crime No.164/2024 of the respondent – Police in Spl.Case No.336/2024 pending on the file of III Additional District and Sessions Judge, Belagavi.

Brief facts of the case:-

2. It is the case of the prosecution that Smt.Kaveri W/o Yallappa Bhanjantri lodged a complaint stating that she was running a grocery shop which is attached to her house. It was being managed by both herself and her mother-in-law. The accused was acquainted with her when she was in the shop and he used to come and talk with her often.



3. It is further stated that he had induced her by stating that he would get her a suitable job as he knew many politicians. As such, he developed the intimacy and had sexual intercourse with her. The husband of the complainant after having come to know the said relationship with the accused, he was quarreling with her. As a result, she had to leave her husband and had to stay in her parents house.

4. It is further stated that, again, the accused continued the relationship with the victim by blackmailing her. Such being the fact, she went along with the appellant and started staying at Sharada Swadhar Kendra, Belagavi for four months, thereafter, he has shifted her to one rented house situated at Basava Colony at Belagavi. It is further stated that the appellant committed rape on her during her stay in the said house. Further, it is stated that he had arranged one lady to look after her movements and used to demand her that she should convert to Islam and marry him.

5. On 15.04.2024, she was traced by her husband and thereafter she narrated the incident to her husband. On



discussion with the elders, she lodged a complaint before the jurisdictional police. The jurisdictional police after investigating the case, submitted the charge sheet.

6. Heard Sri.S.M.Muchandi, learned counsel for the appellant and Smt.Girija Hiremath, learned High Court Government Pleader for Respondent No.1. Respondent No.2 remained absent.
7. It is the submission of the learned counsel for the appellant that now the charge sheet has been filed. Though there are some allegations made against the appellant, the fact remains that she being a matured lady having a child and husband, went along with the appellant and stayed for four to five months without lodging any complaint. The manner in which she was staying with the appellant would indicate that she consented even for sexual activities. Such being the fact, languishing the appellant in judicial custody for a longer period would not serve any purpose.
8. It is further submitted that the appellant is a permanent resident of Gandhinagar, Munavalli, Savadatti Taluk, Belagavi and he will abide the conditions imposed by this



Court in the event of his release on bail. Making such submissions, the learned counsel for the appellant prays to allow the appeal.

9. Per contra, the learned High Court Government Pleader for respondent No.1 vehemently opposed the said submissions and she further submitted that the offences made out against the appellant are serious in nature. He had induced the woman who is unable to understand the consequences and committed rape on her. Further, he has demanded her to convert to Islam for the purpose of marriage. Forcing her to convert from one religion to another religion, certainly, is a serious issue and it needs to be regulated.
10. It is further submitted that, in case, if the bail is granted to the appellant, he would threaten the prosecution witnesses and hamper the Court proceedings. Therefore, he is not entitled for any relief as prayed for till completion of the trial. Making such submissions, the learned High Court Government Pleader for respondent No.1 prays to dismiss the appeal.



11. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, no doubt, the Investigation Officer submitted the charge sheet against the appellant. On going through the averments of the charge sheet, it appears that the appellant herein had confined the victim by keeping a woman to watch her movements and forcing her to convert to Islam. The said act of the appellant is unpardonable. It is needless to state that forcing men or women to convert from one religion to another is a serious issue and stringent action is needed in such cases.
12. Having considered the facts and circumstances of the case, I am of the considered opinion that it is not appropriate to grant bail to the appellant till completion of the evidence of the victim by keeping in mind the safety of the witnesses.
13. In the light of the observations made above, I proceed to pass the following:



ORDER

The Criminal Appeal stands dismissed.

The liberty is reserved to the appellant to file similar application after completion of the evidence of the victim.

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

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List No.: 19 SI No.: 1