

IN THE COURT OF THE LIII ADDL.CITY CIVIL &  
SESSIONS JUDGE, BANGALORE

DATED THIS THE 11<sup>th</sup> DAY OF JUNE, 2019

-: PRESENT :-

S.H.PUSHPANJALI DEVI, B.A. LL.B.,  
LIII Addl. City Civil & Sessions Judge,  
Bengaluru.

Crl. Misc No.4421 /2019

Petitioner-/  
ACCUSED- :

Kiran Kumar ,  
S/o Suresh M.S ,  
Aged about 27 years,  
R/at No.54, J Block,  
Ramakrishna Nagar,  
Mysore 570023.

Now R/at No.17,  
Pavithra Nilaya,  
Near RNSIT College,  
Opposite Atri Hotel,  
Channasandra,  
R. R. Nagar,  
Bengaluru 560 098.

[Rep. by Ms. SB & associates-  
Advocates]  
/ Vs /

RESPONDENT:

State of Karnataka by  
Rajarajeshwari Nagar Police  
station, Bangalore

[Represented by Public  
Prosecutor, Bangalore.]

**ORDERS**

This petition is filed under Section 439(1)(b) of Cr.P.C by the petitioner to modify the condition No.4 of the bail order dated 9.4.2018 passed in Crl. Misc. No.2742/2018, in the interest of justice.

2. The brief facts stated in the petition are that, the petitioner is an accused in Crime No.79/2018 for the offences punishable u/s 504, 376 & 420 of IPC. He was granted bail by this court in Crl. Misc. No. 2742/2018 dated 9.4.2018 on certain conditions. The condition No.4 imposed to mark his attendance before the complainant police on every Sunday between 10 am and 5 pm till filing of final report. The petitioner sought for modification to the said condition as he is an actor by profession and getting offers to act in other locations within India. He has regularly marked his attendance every Sunday before the respondent police station and not violated any conditions imposed by this court. Due to bonafide reasons he has to attend other locations in India in connection with his profession. He

has sought for modification or relaxation of the condition No.4 of the bail order, in the interest of justice.

3. The learned public prosecutor has filed objection stating that, the accused has cheated the victim with an assurance to get marry and committed rape on her. The documents prima-facie proves the offence against him. Therefore, prayed to dismiss the petition, in the interest of justice.

4. Heard the arguments of learned counsel for petitioner and the learned public prosecutor on merits.

5. The points that arise for my consideration is as under:

***1) Whether the petitioner is entitled for modification of condition No.4 imposed in Crl. Misc. No. 2742/2018 dated 9.4.2018?***

***2) What order?***

6. My findings on the above points are as follows:-

Point No.1 : Partly in the ***Affirmative***

Point No.2 : As per final orders for the following:

**REASONS**

7. **Point No.1:** It is made out in the petition that, the petitioner has already granted bail by this court in Crl. Misc No.2742/2018 dated 9.4.2018. The condition No.4 of the said order is as follows:

“He shall mark his attendance before the complainant police on every Sunday between 10 am to 5 pm till filing of final report”

8. However, the petitioner sought for relaxation of the said condition on the ground of his profession. He has stated that he is an actor and getting offers to act in other locations within India. Therefore, the said condition should be relaxed. It is verified from the FIR that the offences alleged against the petitioner punishable u/s 504, 376, 323 and 420 of IPC. The facts of the case already narrated in the previous bail order and the petitioner was granted the bail. Now, it is to be

verified by this court only with regard to modification or relaxation of the condition No.4 already imposed.

9. The learned counsel for petitioner has relied on the observations made in the following disposed Criminal Petitions.

1) Criminal Petition No.6559/2018 dated 3.12.2018  
*in the case of Sri.A.Shivanna S/o Annaiappa Vs. State of Karnataka*

2) Criminal Petition No.7237/2015 dated 19.1.2016  
*in the case of Sri.R.Ganesh S/o Rangegowda Vs. State of Karnataka*

10. The Hon'ble High Court of Karnataka has allowed both the petitions and relaxed the conditions of giving attendance on every Sunday before the concerned police, by taking into consideration of the facts of the each case. One of the alleged offences made against the accused/petitioner is u/s 376 of IPC which is grave in nature. Therefore, if the condition

No.4 of the previous bail order is modified and petitioner is directed to give his attendance on any Saturday once in a month , it will not cause any injustice. Therefore, I answer point No.1 party in the *Affirmative*.

11. Point No.2:- In the result, I proceed to pass the following:

**ORDER**

The petition filed by the petitioner under Section 439(1)(b) of Cr.P.C is hereby partly allowed.

The condition No.4 of the bail order dated 9.4.2018 in Crl. Misc. No.2742 /2018 is hereby modified as follows:

The petitioner shall give his attendance before the complainant police on any of the Saturday once in a month between 10 am to 5 pm till filing of the final report.

(Dictated to the Stenographer, transcript corrected, signed and then pronounced by me in open court on this the 10<sup>th</sup> day of June, 2019.)

(S.H. PUSHPANJALI DEVI)  
LIII Addl. City Civil & Sessions Judge,  
Bengaluru.



10.06.2019

Petitioner- SB

Respondent- PP

for orders

Orders pronounced in the open court  
(Vide separate detailed orders)

**ORDER**

The petition filed by the petitioner under Section 439(1)(b) of Cr.P.C is hereby partly allowed.

The condition No.4 of the bail order dated 9.4.2018 in Crl. Misc. No.2742 /2018 is hereby modified as follows:

The petitioner shall give his attendance before the complainant police on any of the Saturday once in a month between 10 am & 5 pm till filing of the final report.

**(S.H. PUSHPANJALI DEVI)**

LIII Addl. City Civil & Sessions Judge,  
Bengaluru.