



**IN THE COURT OF THE III ADDL. DISTRICT & SESSIONS  
JUDGE, CHIKKABALLAPURA.**

**PRESENT**

**SHRI. SIDDANNA B. HANDRAL.  
B.Sc.,LL.B.  
III Addl. Dist. & Sessions Judge,  
Chikkaballapura**

**DATED THIS THE 10<sup>th</sup> DAY OF JULY, 2026**

**Criminal.Misc. No.333/2026**

PETITIONER : Gagan Kumar,  
S/o. Venkatesh,  
Age: 21 years,  
R/at R.Chokkanahalli village,  
Chikkaballaura Taluk and  
District.

(By Sri.R.G., Advocate)

Vs.

RESPONDENT : The State of Karnataka,  
Rep.by., Peresandra Police  
Station. Chikkaballapur Taluk.

2. xxxx

(By Public Prosecutor)

**ORDER**

Petitioner/Accused has filed bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in Cr.No. 108/2026 of Peresandra P.S., for the offences

punishable u/Secs. 115(2), 64(2)(m) of Bharathiya Nyaya Sanhitha 2023, by seeking regular bail.

2. The petitioner submits that, petitioner was arrested on 04.06.2026 since then he is in judicial custody. It is alleged that, the petitioner is totally innocent of the alleged offences and the entire allegations made against him in the complaint are false and untenable. The offences alleged in the FIR are not punishable with death and he has never involved in the said incident, the respondent no.1 police have registered a false case against him. His parents are poor villager and are depending on his earnings. The materials supplied by the police does not infer that he has committed the offence forcefully and against the wishes of the girl. He is innocent and law abiding citizen and he is the bread earner of his family having aged parents and his entire family depending on him. The alleged offence is exclusively triable by this court and this Hon'ble Court is having ample discretionary power to enlarge him on bail. The Petitioner is ready to abide by any reasonable conditions imposed by this court and ready to furnish surety for his release. If the bail. Hence, prayed to allow the petition.

3. After registering the petition, notice was issued to the respondent Police. Learned Public Prosecutor appeared on behalf of the respondent Police, filed the objections, and learned Public Prosecutor in the objections contended that the petitioner has committed the offences punishable u/Secs.115(2), 64(2)(m) of BNS, which are heinous in nature.

Mere filing of charge sheet is not a ground to grant bail to the petitioner, there are prima facie materials to show these accused / petitioner has involved in commission of alleged offences. If the petitioner is released on bail, he may destroy the prosecution evidence. prayed to dismiss the same.

4. Notice to the respondent no.2 also she in turn appeared personally and filed her objections to reject the bail application filed by the petitioner.

5. Heard the arguments of learned counsel for the petitioner and the learned Public Prosecutor and respondent no.2.

6. The points would arise for my consideration are;

1) Whether the petitioner/accused has made out grounds to grant regular bail in his petition ?

2) What order?

7. The above points are answered as under;

**Point No.1** : In the **NEGATIVE**.

**Point No.2**: As per the final order for the following;

### **REASONS**

8. **Point No.1**: It is the alleged by the complainant that, on 3.6.2026 at 11.30 a.m. she is residing at Gaviganahalli village, Nandi Hobli, Chikkaballapur Taluk, she

has been working in Tata Electronics Company near Narasapura, Kolar Taluk for about 3 months and due to her illness she was unable to go to work since one month and lived in a rented room at Karinayakanahalli village. On 2.6.2026 her aunts i.e. Vani's daughter's birthday was celebrating, she was also intending to attend the said birthday going from Kolar to Renumakalahalli cross, Chikkaballapur Taluk at around 4.00 through the bus, then she called to father-in-law i.e. Gangan Kumar/accused and asked to pick up her as she was came to Renumakalahalli cross from the bus, for going to her aunts village i.e. R.Chokkanahalli village, thereafter the acused came to the spot and picked her in his scooty. Her aunt's daughter birthday was on night 7.30 p.m. after completion of dinner, they had dinner at the house later to return to Kolar she asked the accused to drop her back at Peresandra cross and at about 8.00 p.m., while leaving the house on the scooty she asked the accused why he was taking a different route, for that he replied that, he liked her, wanted to marry her and had strong desire for her and insisted her that, they must share an intimate experience atleast once and also forced her and took her near the eculyptus trees near to the Chokkenahalli village there he forcibly commuted sexual intercourse on her four times. Thereafter about 3 hours the accused informed her to take her to his house and went near neelagiri trees near the Chokkenahalli village again he tried to commit rape on her, but she rescued from his hands and immediately called her father over the phone and informed

about the incident, later her father came to the spot and picked her, thereafter she lodged the complaint against the accused. Based on the said complaint the Peresandra police have registered the case in their Station Cr.No.108/2026 for the offences punishable u/Secs.115(2), 64(2)(m) of BNS, 2023.

9. Thereafter the I.O. arrested the accused and after completion of the interrogations produced before the learned Magistrate. In turn the accused was remanded to J.C. till today the accused is in J.C. Now the petitioner/ accused has come up with the present bail application for his release.

10. The learned counsel for the accused during the course of argument has referred the entire averments of the complaint and also statement of the witnesses and reiterated the averments made in the bail petition. It is also argued that the contents of the complaint and the statement given by the witnesses are totally contradictory to each other and there is a serious doubt arises about the filing of the complaint and there are no prima facie materials placed against the present petitioner to prove the alleged offences. It is also alleged that, there were no bad antecedent of the petitioner and accused has not involved any crime and there were no incident occurred as alleged by the complainant in the complaint and there were no eye witnesses. Hence the alleged incident is created and since the date of arrest accused is in J.C. and accused is not required for any further interrogations or investigation. It is also argued that he has

produced memo with copy of the case status in Spl. SC No.8/2025 which is filed by the very victim against another accused which was registered under the provisions of POCSO Act i.e. U/S. 4 and 7 of POCSO Act R/w. Sec. 3(1)(W), 3(2)(V) of SC/ST Act and U/S./137(2), 127(4) of the BNS and the said case is pending for trial. Hence it goes to show that the victim is having the habit filing false complaints against the persons to whom with she was voluntarily having intimacy and he also produced copies of the whats-app messages which discloses that, the victim herself voluntarily called the accused and she had taken the accused persons to give the drop, but by misusing the situation she had filed false complaint against the accused. He also produced photographs and argued that, victim has already married to some one and she knowingly and intentionally filed false complaint against the present petitioner with an intention to cause harassment to the petitioner. Hence prayed to allow the application and release the accused person.

11. On careful perusal of the materials placed before this court and objections filed by the prosecution it appears that, there is a prima facie case against the petitioner in respect of forcible sexual assault on the victim and had sex with her four times.

12. In addition to that, the I.O. has conducted the spot panchanama in the presence of the panchas and also seized the two wheeler of the accused which was used for commission of the offence by drawing seizure panchanama.

The I.O. has collected the medical items and samples collected by the medical officer during the medical examination of the victim and the accused have also been recorded and they have been sent to the FSL for examination and report is yet to be received. Hence it goes to show that, the documentary evidence produced by the prosecution discloses prima facie evidence showing that the petitioner has involved in commission of the offence. The I.O. required to collect further materials and investigation is in progress at this stage if the petitioner is released on bail, there is every possibility of absconding of the accused, interfere with the investigation and threatening the prosecution witnesses, on these ground at this stage the accused is not entitled for grant of bail. The arguments canvassed by the learned counsel for the accused at this stage cannot be taken into consideration it may be true that, the victim has filed another case for the offences punishable under provisions of POCSO Act and other Acts, but mere filing of another case cannot be construed as she has lodge false complaint against the present petitioner. Admittedly, all these facts are to be investigated by the I.O., at this stage, the accused has not made out any grounds for grant of bail.

13. It is relevant here to refer the decision of Hon'ble Karnataka High Court in the case of ***State of Karnataka represented by Arakalagud Police V/s B.D. Sandeepa reported in ILR 2016 Karnataka 1516 held that; A. CRIMINAL PROCEDURE CODE, 1973-SECTION 439-***

***Grant of bail- Factors to be considered by the Court- HELD, Mere fact that the accused has been in judicial Custody and the police have filed charge sheet is not sufficient to grant bail- Court has to consider whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence, nature and gravity of the accusation, severity of the punishment in the event of released on bail, character, behavior, means, position and standing of the accused, likelihood of the offense being repeated, reasonable apprehension of the witnesses being influenced and, danger, or course, of justice being thwarted by grant of bail.***

14. In addition to the above, it is settled proposition of law that, “while considering the bail petition the Court has to keep in mind the nature of accusations, nature of evidence in support thereof, severity of the punishment which conviction will entail, the character, behavior, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of witness being tampered with, the larger interest of the public or state and similar other considerations”.

15. Under the facts and circumstances and in view of the precedent referred above this court is of view that, gravity of offence does not weigh personal liberty of the accused. If the accused is released on bail, he may threaten

the prosecution witnesses or he may abscond by violating the bail conditions. Hence, this court is of the considered view that at this stage the accused is not entitled for bail. Accordingly, this point is answered in the Negative.

16. **Point No.2:** For the foregoing reasons, proceed to pass the following:

**:: ORDER ::**

The petition filed by the petitioner/accused u/Sec. 483 of BNSS is hereby rejected.

(Dictated to the Stenographer directly on the computer, printout corrected, signed/and then pronounced by me in the open court on this the 10<sup>th</sup> day of July, 2026)

(SIDDANNA B. HANDRAL)  
III-Addl.District and Sessions Judge,  
Chikkaballaura.