

**IN THE COURT OF THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE AND FTSC-I, CHAMARAJANAGARA**

DATED: THIS THE 10th JUNE 2026

PRESENT:

**Sri. S.J.KRISHNA
B.Sc., LL.B. ,
Addl. District & Sessions Judge,
FTSC-I, Chamarajanagara.**

**Spl.Case No: 73 of 2026
Cr. No. 26 of 2026**

COMPLAINANT : State by Kollegala Rural Police Station

**(By Learned Spl. Public Prosecutor,
Chamarajanagara)**

VERSUS

ACCUSED No.1: Sri. NINGARAJU
S/o Jayaramu,
Aged about 27 years,
Occu:Work in a Pancher Shop,
R/At: Nayakara Street,
Kongarahalli Village,
Kollegala Taluk,
Chamarajanagara District.

**(By Sri.H.M. Nanjundaswamy., Advocate,
Chamarajanagara)**

(A)	CASE DETAILS	
1:	FIR No. & DATE	26/2026 , Dt: 28.02.2026
2:	POLICE STATION, DISTRICT & STATE	Kollegala Rural Police Station, Chamarajanagara District, Karnataka State.
3:	SECTION INVOKED & PUNISHMENT (Charge sheet submitted)	Section 137(2) of BNS: Imprisonment of either description for a term which may extended to 7 years and fine. Section 64(2)(m) of BNS: Rigorous imprisonment for a term which shall not be less than 10 years but may extend to imprisonment for life ie., imprisonment for reminder of that person's natural life and fine. Section 4(1) of POCSO Act: Imprisonment of either description for a term which shall not be less than 10 years but which may extend to imprisonment for life and fine.

		Section 6(1) of POCSO Act: Rigorous imprisonment for a term which shall not be less than 20 years but may extend to imprisonment for life ie., imprisonment for remainder of that person's natural life and fine. Section 9 of Prohibition of Child Marriage Act is punishable with imprisonment for a period of two years and fine
(B)	CUSTODY & PROCEDURE COMPLIANCE	
1:	DATE OF ARREST	07.03.2026
2:	TOTAL PERIOD OF CUSTODY UNDERGONE	03 months, 3 days
(C)	STATUS OF TRIAL	
1:	Stage of Proceedings (Investigation/Charge sheet/Cognizance/ Framing of charges/ Trial)	Charge sheet submitted
2:	Total Number of Witnesses cited in the	35

	Charge sheet	
3:	Number of Prosecution Witnesses examined	For HBC
(D)	CRIMINAL ANTECEDENTS	
1:	FIR No. & Police Station	Not applicable
2:	Sections	–
3:	Status (Pending/acquitted/co nvicted)	–
(E)	PREVIOUS BAIL APPLICATIONS	
1:	Court	Nil
2:	Case No.	–
3:	Out come of Case	–
(F)	COERCIVE PROCESSES	
1:	Whether any non– bailable warrant was issued	No
2:	Whether declared as proclaimed offender	No

**ORDER ON BAIL APPLICATION FILED UNDER
SECTION 483 OF BNSS**

The accused has filed this application under
Section 483 of Bharatiya Nagarika Suraksha Sanhita

praying the Court to enlarge him on bail in respect of Spl. Case No:73/2026 (Cr.No:26/2026) registered by Kollegala Rural PS, alleging offences punishable under section 137(2), 64(2)(m) of BNS and Section 4, 6 of POCSO Act, 2012, Section 9 of Prohibition of Child Marriage Act.

2. The Case of the accused is as under:

The accused has voluntarily surrendered before the Court on 07.03.2026. The accused was remanded to judicial custody and his judicial custody has been extended from time to time.

2(a). The complaint is not filed either by the victim girl or her family members. The offences alleged against him are not attracted. The materials available on record show that the accused has not committed any of the offences alleged against him. The accused has stated that he is an innocent law abiding citizen he has not committed any of the offences alleged by the prosecution. The accused is implicated in this case by making false allegations. The accused and his family members are permanent residents of Kongarahalli village, Kollegala Taluk. The accused is a coolie by

occupation and he is maintaining his family from his income. He has the responsibility of his aged parents.

2(b). The accused undertakes to appear before the Court on all the dates of hearing without fail. He undertakes to abide by the terms and conditions imposed by the Court. The accused undertakes not to abscond from the jurisdiction of the Court and not to tamper with prosecution witnesses. He is ready to furnish surety to the satisfaction of the Court. Hence, the application may be allowed.

3. The Ld Spl Public Prosecutor has filed objections to the bail application. The prosecution has reiterated the averments made in the complaint in its statement of objections. The materials available on record prima facie show that the accused has enticed away the victim girl and married her. The accused has committed repeated penetrative sexual assault and impregnated her.

3(a). The offences alleged against the accused under section 137(2), 64(2)(m) of BNS and under sections 4, 6 of Protection of Children from Sexual Offences Act, 2012 are punishable with imprisonment for a period of 20

years, and which may extend to imprisonment for life, death and shall also be liable for fine and under Section 9 of PCM Act is punishable with rigorous imprisonment for a period of 2 years and with fine which may extend to one lakh rupees or with both. The offences alleged against the accused are grave and serious and non bailable in nature and are triable by the Court of Sessions.

3(b). The IO has submitted the charge sheet. He has collected important materials. The accused may pressurize the witnesses so as to obstruct the trial. If the accused is enlarged on bail he may repeat the offence against the victim girl and may also tamper with the prosecution witnesses and may remain absconded, hence, the accused is not entitled for bail. The accused has not furnished any documents regarding his occupation, address and identity as such he is not entitled for bail. The accused has not made out any grounds to release him on bail. It is false to allege that the accused is an innocent person. The grounds urged in his bail application are all concocted for the purpose of filing this application. The prosecution has prayed for dismissal of the bail application.

4. I have heard the arguments addressed by the Ld counsel for the accused and the Ld SPP for the State.

5. I have gone through the materials available on record. The following points arise for my determination.

Point No.1: Whether the accused has made out a case so as to allow the application under Section 483 of BNSS?

Point No.2: What Order?

6. My findings to above said points are as follows:-

Point No.1: In the AFFIRMATIVE;

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

REASONS

7. **Point No.1:** The complainant Smt. Manjula, BEO has filed a complaint against 1) Sri. Ningaraju, 2) Smt. Shantamma 3) Sri. Siddappaji, 4) Masanamma with Kollegala Rural PS, Chamarajanagara. The Kollegala Rural PS, Chamarajanagara has registered a case in Cr

No.26/2026 against the accused for the offences punishable under sections section 64(1) of BNS and under section 4, 6 of Protection of Children from Sexual Offences Act, 2012, under section 9, 10, 11 of Prohibition of Child Marriage Act.

8. The accused has voluntarily surrendered before the Court on 07.03.2026. The accused was remanded to judicial custody and his judicial custody is extended from time to time.

8(a). The IO has submitted charge sheet against the accused Sri. Ningaraju only and has not submitted charge sheet against the other persons named in the FIR. After the submission of the Charge sheet the cognizance for offences punishable under sections 137(2), 64(2)(m) of BNS and under section 4, 6 of Protection of Children from Sexual Offences Act, 2012, under section 9 of Prohibition of Child Marriage Act against accused. A case is registered against accused in Spl.Case No:73 of 2026.

8(b). The accused has filed the present application seeking bail. The learned SPP has filed objections to the bail application.

8(c). On issuance of notice of the bail application the victim girl and her mother appeared before the Court and have submitted a requisition stating no objections to allow the bail application filed by the accused.

9. The summary of the case of prosecution is as under:

Initially the case was registered against a accused herein, the mother of accused Smt. Shanthamma, father of the victim girl Sri. Siddappaji and mother of the victim girl Smt. Masanamma. The IO has reported that father of the victim girl Siddappaji passed away on 30.03.2026. The IO has not submitted charge sheet against Smt. Shanthamma and Smt. Masanamma.

9(a). The victim girl is the daughter of YYY and Smt. XXX. She was aged about 15 years 09 months 09 days (DOB:18.02.2010) as on the date of incident. The accused knowing full well that the victim girl is a minor had been loving her for the past two years. On 23.11.2025 the accused coaxed the victim girl and enticed her away with an intention to marry her and made her to come to Kamagare bus stop and took her with him without the consent of her parents. The accused took the victim girl to the MM Hills at about

11.00 AM and he tied a turmeric string to the victim girl in front of Sri Bommeshwara temple and has undergone marriage with the victim girl. Thereafter the accused took the victim girl with him to Kongarahalli village and stayed with her in the house of late Siddamma. On 24.11.2025 at about 09.00 PM the accused knowing full well that the victim girl is a minor unable to give valid consent has hugged her and kissed her and committed penetrative sexual assault and committed sexual assault repeatedly in that house. Then the accused took the victim girl to the house of CW13 to Bengaluru and stayed with her and committed repeated penetrative sexual assault and impregnated her. Hence, the charge sheet.

10. On going through the materials available on record it is evident that section 87, 64(2)(m) BNS section 4(2), 6, 8 of POCSO Act and section 9 of Prohibition of Child Marriage Act are attracted to the case on hand. The punishment provided for the offences alleged against the accused under section 87,64(2)(m) BNS and Section 4(2), 6 and 8 of POCSO Act and section 9 of PCM Act makes it evident that the offences alleged against him are grave and serious in nature. The seriousness of the offence alone is not a ground to refrain from examining

the entitlement of the accused to have bail. The Court has to consider whether there exists a prima facie case for granting the bail.

11. The materials available on record discloses that the victim girl and the accused were loving each other and she had a liking for the accused. The victim girl in her statement recorded under section 183 of BNSS has stated that her marriage with the accused is a love marriage she was aged about 16 years at that time. She has not disclosed that she was aged about 16 years at the time of marriage. Her date of birth in the Aadar card is shown as 18.02.2007 but in her school records her date of birth is shown as 18.02.2010. Probably the accused was misled by the date of birth of victim girl shown in her Aadar card. However, the said question has to be determined only during the course of trial. The contradictions found in the statements made by the victim girl needs to be sorted out during the course of trial.

12. The accused has been in judicial custody since 07.03.2026. The IO has interrogated the accused by obtaining police custody for one day. The IO has already submitted the charge sheet hence, the continuation of

custodial detention of the accused serves no useful purpose. The prosecution has cited 35 witnesses. It may take considerable time to conclude the trial. The accused cannot be kept in judicial custody for indefinite period, as pretrial incarceration is not a countenance in law. The continuation of judicial custody of the accused may prevent him to prepare valid defence to protect his rights.

13. The mother of the victim girl and the victim girl have submitted that they have no objections to allow the bail application filed by the accused. The no objections submitted by them shows that the victim girl and her mother have no apprehension of tampering with prosecution witnesses by the accused.

14. The prosecution has expressed apprehension that if the accused is enlarged on bail he may threaten and may also tamper with prosecution witnesses, as such his bail application may be rejected. The prosecution has not placed any materials on record to show the criminal antecedents of the accused. On mere anticipation of the prosecution that the accused would harm the witnesses the personal liberty of the accused cannot be curtailed indefinitely.

15. The prosecution has expressed its apprehension that the accused may abscond and may not be available for trial. The materials available on record show that the accused is a permanent resident of Kongarahalli village, Kollegala Taluk. In such circumstances the chances of accused fleeing away from justice are very bleak. However in order to balance the interest of victim girl and other prosecution witnesses and the rights of the accused the Court may consider imposing conditions while adjudicating the bail application. From the facts and circumstances it is evident that the accused is entitled to be released on bail with conditions. Accordingly, **Point No.1** is answered **in the Affirmative.**

16. **Point No.2:** In view of findings on Point No.1, I pass the following ;-

ORDER

The application filed under Section 483 of BNSS by accused is hereby allowed subject to the following;

CONDITIONS

(1) *The accused shall execute a personal bond for **RS.1,00,000/- (Rupees One Lakh only)** and furnish a **surety** for the like sum;*

(2) *The accused shall not indulge in any criminal activities and shall not tamper/intimidate prosecution witnesses;*

(3) *The accused shall appear before the Court on all the dates of hearing without fail.*

(Dictated to the Stenographer directly on computer there afterwards corrected and printed, signed and pronounced by me on 10th day of June, 2026)

(S.J.KRISHNA)

Addl. District and Sessions Judge,
FTSC-I, Chamarajanagara.

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