

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

DATED: THIS THE 19th day of JANUARY 2026

PRESENT:

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

**Spl.Case No.127 of 2025
CR No.47 of 2025**

**COMPLAINANT :State by Begur Police Station,
Gundlupete Taluk,
Chamarajanagara District.**

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

VERSUS

**ACCUSED : Sri.PRAVEEN KUMAR
/APPLICANT @ PRAVEEN SHETTY,
S/o: Late Mahesh,
Aged about 26 years,
Occu:Coolie,
R/At:Mulluru Village, Kollegala Taluk,
Chamarajanagara District.**

**(By Smt.S.Rajeshwari(LADCS),
Advocate, Chamarajanagara)**

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

The accused has filed this application under Section 483 of BNSS praying the Court to enlarge him on bail in respect of Spl C No.127/2025 (Cr.No:47/2025) registered by Begur Rural PS for the offences punishable under section 137(2), 64(2)(m) of BNS, 2023 and Sections 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. The accused has denied the entire allegations made against him. The Accused has been in judicial custody since 10.04.2025. The IO has already submitted the charge sheet. Hence, there is no possibility of accused tampering with prosecution witnesses. The custodial detention of the accused is not required for the trial of case. The offences alleged against accused are not punishable with death.

2(a). The accused has the responsibility of looking after his parents. The family of the accused is depending upon his income. The mother of the accused is hospitalized.

2(b). On going through the charge sheet it is evident that there are no materials placed on record to establish the alleged phone conversation between the accused and the victim girl. The victim girl has not consented for medical examination which prima facie shows that the accused has not committed the alleged act of sexual intercourse.

2(c). The accused had been to Begur for coolie work. On his way back the CW7/the paternal uncle of the victim girl quarreled with him on a petty issue. CW7 got filed a false complaint through CW1 against accused.

2(d). The accused has no nexus whatsoever with the case. The accused is incarcerated on account of this false case. If the custodial detention of the accused continues it would affect his mental health.

2(e). The accused is a permanent resident Mullur village. Except the present case he has no other criminal cases against him. He undertakes to abide by the conditions that may be imposed by the Court and

attend on all the dates of hearing. 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 IO has arrested the accused during the course of investigation and produced before the Court. The accused has been remanded to judicial custody. Hence, the application is not maintainable.

3(a). The offense alleged against the accused is 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. The offences alleged against the accused are serious and non bailable in nature and are triable by the Court of Sessions.

3(b). The IO has submitted charge sheet. The prosecution has commenced the examination of witnesses and the trial is ongoing. If the accused is released at this stage on bail he may pressurize the victim girl and other witnesses; and may tamper with prosecution witnesses and he may remain absconded. If

he is released on bail there is an apprehension that he may threaten the life of the complainant and repeat the offence against the victim girl. Hence, the accused is not entitled for bail.

3(c). The accused is an influential person enjoying money and men power. He may influence the witnesses so as to prevent fair trial. It is not true that the accused is an innocent person. 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. 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 respondent.

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 first informant is the father of the victim child. He has filed a complaint with Begur PS on 06.04.2025. The Begur PS has registered a case in Cr No.47/2025 for an offence punishable under section 137(2) BNS against the accused.

8. On 09.04.2025, the victim girl came to police station along with her uncle. Then the victim girl was lodged in Balakiyara Balamandira, Chamarajangara. On 09.04.2025, a WPSI has recorded the statement of victim girl. The IO has sought permission of the Court to investigate the case for the offence punishable under section 64 of BNS and Sections 4 and 6 of POCSO Act. The accused was produced before the Court on 10.04.2025 and was remanded to judicial custody. The judicial custody of the accused has been extended from time to time.

9. The IO has submitted charge sheet against the accused alleging the offences punishable under section 137(2), 64 of BNS, 2023 and under section 4 and 6 of POCSO Act, 2012.

10. After the submission of the charge sheet the case the cognizance was taken for the offences punishable under section 137(2), 64(2)(m) of BNS and Section 6 of POCSO Act. A case is registered against the accused person in Spl.Case No:127/2025.

11. The accused had filed bail application on 22.08.2025. On 04.09.2025 by filing a memo got dismissed the bail application with liberty to file fresh application. After the evidence of victim girl the Accused has filed application for bail under section 483 of BNSS. The learned SPP has filed his objections to the bail application. The Victim Girl and her mother have appeared before the Court and prayed the Court to dismiss the bail application.

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

It is alleged by the prosecution that the victim girl is the daughter of CW1 and CW5. The victim girl was aged

about 17 years 07 months 14 days (DOB; 20.08.2007) as on the date of Complaint. On 03.04.2025 the accused called the victim girl over phone and coaxed her to come to Gundlupete. On 05.04.2025 at about 10-00 AM the victim girl came to Gundlupete in a bus. Thereafter the accused enticed away the victim girl in a Bus from Gudlupete through Mysuru to Hassan. From Hassan to Bengaluru. On 06.04.2025 the accused took the victim girl in a bus to the house of CW9 situated in Kadavanti Village, Chikkamagaluru. On 07.04.2025 at about 11-30 PM the accused knowing full well that the victim girl being a minor is unable to give a valid consent has committed repeated penetrative sexual intercourse with her. On 08.04.2025 the accused informed the victim girl that a missing complaint is filed with police. Then he brought her to Mysuru in a bus. He told her to go to Begur and got her in a bus. She came to Begur at about 4-30PM and phoned her uncle. Her uncle came and took her to the police station. Thus, the charge sheet.

13. The punishment provided for the offences alleged against the accused under section 64(2)(m) BNS and Section 6 of POCSO Act makes it evident that the

offences alleged against him are grievous and serious in nature. It is the allegation of the prosecution that the accused knowing full well that the victim girl is a minor and could not give valid consent has taken her with him without the consent of her parents and roamed around and finally committed repeated penetrative sexual intercourse with the victim girl.

14. The mother of the victim girl did not give consent for medical examination. The medical officer who has examined the victim girl has opined that 'Final opinion could not be given as they have given negative consent for examination, USG pelvis or any blood investigation'. The denial of consent for medical examination by a survivor prima facie creates doubt about the alleged offence. However, the Court cannot come to the conclusion that no incident has happened just because the survivor has not consented for medical examination. The said question needs to be determined only after due trial.

15. The victim girl and her mother have submitted that the bail application may be rejected. The victim girl in her objections has stated that the accused has

enticed her away knowing full well that she is a minor and had sexual intercourse against her will.

16. In this case the IO has already submitted the charge sheet. The prosecution has examined the victim girl as PW1 and exhibited Ex.P1 to Ex.P16. The PW1 has supported the case of prosecution. Hence there is no apprehension of tampering with her evidence.

17. The accused was arrested and remanded to judicial custody on 10.04.2025 and his custody has been extended from time to time. As the evidence of victim girl is already recorded the custodial detention of the accused is no longer required. The prosecution has cited 29 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.

18. The victim girl and her mother and the prosecution have 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.

19. The prosecution has not placed any materials on record to show that the accused has criminal antecedents. On mere anticipation of the prosecution, victim girl and her mother that the accused would harm the witnesses the personal liberty of the accused cannot be curtailed indefinitely.

20. 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 Mulluru village. 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.

21. 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.**

22. **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 19th day of January 2026)

(S.J.KRISHNA)

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

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