

KARN300001042026



**IN THE COURT OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU SOUTH DISTRICT, SIT
AT KANAKAPURA.**

Dated this the 04th day of April 2026

Present

SRI. KUMAR.H.N., B.A.L., LL.B.,
II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

CRL.MISC.No.5063/2026

Petitioner :		Sri. Chinnagiriyaiah S/o Venkataiah, Aged about 48 years, R/at Gollahalli Village, Harohalli Hobli, Harohalli Taluk, Bengaluru South District. (Accused) (By Sri. Gajendra.G.M, Advocate)
	V/s	
Respondent :		The State of Karnataka, By Kanakapura Rural Police, Kanakapura taluk, Bengaluru South District. Rep. by Public Prosecutor, District court,

		Kanakapura. (By the Public Prosecutor)
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Orders on Application filed U/s 482 of BNSS-2023

1. The petitioner has filed this petition U/sec.482 of BNSS-2023, seeking anticipatory bail in connection with Cr.No.08/2026 of Respondent Kanakapura Rural Police Station for the offence punishable U/sec.10 of Prohibition of Child Marriage Act-2006.

2. Briefly stated the petition averments are to the following effect:

a) On the basis of the complaint given by Dr. Prajwal, the respondent Kanakapura Rural Police have registered the case in Cr.No.08/2026 against the petitioner for the offence punishable U/sec.10 of Prohibition of Child Marriage Act-2006.

b) In the petition averred that, on 23.01.2026 the informant appeared before the respondent police and complains that, the accused No.1 Charan is the residence of the Vaadedoddi village and as per the school records, the date of birth of the accused Charan is 19.04.2007 and as per the Aadhar card the date of birth is 09.04.2009. Further it is also reveals that, the accused Charan had got married with the Priya of

Devaragollahalli village, an account of wedlock she is carrying 4 months as on the date of 12.01.2026 and the informant had provided the medical treatment at Primary health care center at Venkatarayanadoddi, Udarahalli and also provided the mother card to her. Further it is also reveals that, as per law the accused had not completed age of 21 years hence it is to be considered as Child marriage hence first information statement.

c) The petitioner pleads that, he is quite innocent and unconcerned to the alleged incident and petitioner has not at all committed any offences what so ever, the respondent deliberately implicated the name of the petitioner. At the instance of the ill will of the inimical ill disposed people.

d) The petitioner is permanent resident address shown in the petition and coming from highly respectable family and never committed any offence as alleged by the prosecution. There is no any material to show the prima-facie case against the petitioner.

e) Further petitioner also submits that the petitioner is ready to abide all conditions that may be imposed by this court. In the event of granting the anticipatory bail. Further also undertake that ready and willing to assist the investigation officer if so required and prays for grant of anticipatory bail.

3. The learned public prosecutor filed objection along with IO report to following effect:

a) The petition is not at all maintainable and grounds urged at the seeking anticipatory bail are not tenable.

b) The Learned Public Prosecutor reiterated the facts of the case found in the complaint and FIR.

c) It is also specific contentions of the learned public prosecutor that, there may be every chance of indulging similar illegal activities. In the event of granting anticipatory bail, there is every like hood of petitioner threatening and tampering the prosecution witnesses and every chance of flee from the investigation and clutches

of the law and prays for the rejection of the petition.

4. Heard Arguments from both sides and perused the FIR, complaint and other materials placed on record.

5. Now the points that arise for my consideration as follows;

1.	Does the petitioner has made out exceptional circumstances for grant of anticipatory bail in connection with Cr.No.08/2026 of Kanakapura Rural police?
2.	What Order?

6. My answer to the above points are as under:

Point No.1 :	In the Affirmative.
Point No.2 :	As per final order for the following;

REASONS

7. **POINT No.1:-** Thus the petitioner is seeking anticipatory bail contending that a false case have been foisted against him.

8. On the other hand the prosecution has resisted bail petition on the ground that the charges leveled against the petitioner is very grave and his custodial presence is required for the investigation.

9. The material available on record it borne that, on 23.01.2026 the informant appeared before the respondent police and complains that, the accused No.1 Charan is the residence of the Vaadedoddi village and as per the school records, the date of birth of the accused Charan is 19.04.2007 and as per the Aadhar card the date of birth is 09.04.2009. Further it is also reveals that, the accused Charan had got married with the Priya of Devaragollahalli village, an account of wedlock she is carrying 4 months as on the date of 12.01.2026 and the informant had provided the medical treatment at Primary health care center at Venkatarayanadoddi, Udarahalli and also provided the mother card to her. Further it is also reveals that, as per law the accused had not completed age of 21 years hence it is to be considered as Child marriage. Upon first information provided by the informant the respondent police have registered the FIR against the accused Charan in Cr.No.08/2026 for the offence punishable U/sec.10 of Prohibition of Child Marriage Act-2006. Under these circumstances the respondent police frequently visiting the house of the petitioner and asking about the whereabouts of the petitioner, hence the petitioner is under reasonable apprehension of arrest from the respondent police in connection with the afore said case and filed the present petition for grant of anticipatory bail application.

10. During the course of the counsel for the petitioner vehemently argued that, the complainant has filed the false and vexatious complaint against the petitioner. As such there is no any incident took place as alleged by the complainant in the complaint. Further the petitioner is the bread earner and care taker of his family and also law abiding citizens. The petitioner coming from the respectable family and having no antecedents of any indulging any criminal activities and further the petitioner is ready to abide any conditions that may be imposed by the court while granting the anticipatory bail. Under these circumstances the counsel for the petitioner prays for anticipatory bail to the petitioner by exercising exceptional circumstances as laid down under section 482 of BNSS-2023.

11. In contra the learned Public Prosecutor vehemently argued that, the allegation leveled against the petitioner is very grave and non bailable in nature. By posing afore said reason prays for reject the bail application.

12. As per the settled principals of law laid down while deciding the case of **Bharath singh Vs State of Bihar, Manoj Yadav Vs State of Bihar and Kailashi Vs State of Punjab**, the application filed U/sec.482 of BNSS-2023 is maintainable, in order to protect their rights and against to the pre-trial detention.

13. It appears from due to the information received by the complainant, the complainant has led to filing the complaint against the petitioner. As held by the Hon'ble Supreme court in the case of **Arnesh Kumar Vs. State of Bihar & Others (AIR 2014 SC 2756)** especially, when his custodial presence is not required for the purpose of investigation.

14. From considering the material available on record there is a prima-facie case made out by the petitioner to exercise the exceptional circumstances to grant the relief prayed in the application U/sec.482 of BNSS-2023. Considering the facts and circumstances of the case this court is incline to the grant the anticipatory bail to petitioner.

15. Taking into consideration these aspects, without expressing any merits of the case this court hold that petitioner is entitled for anticipatory bail and accordingly. Point No.(i) is answered in the **Affirmative**.

16. Point No.(ii): in view of my findings on point No.(i), this court proceed to pass the following;

ORDER

The bail petition filed by the petitioner/accused U/sec.482 of BNSS-2023, is hereby allowed.

In the event of his arrest, the petitioner shall be released on bail in Cr.No.08/2026 of Respondent Kanakapura Rural Police with the following conditions;

1. The petitioner/accused shall execute personal bond for Rs.50,000/- with one surety for like sum to the satisfaction of the court.

2. The petitioner/accused shall not threaten or tamper with the prosecution witness nor shall they abscond.

3. The petitioner/accused shall co-operate with the investigation.

4. The petitioner/accused shall not involve in any similar criminal activities. **(the condition No.4 is sine-qua-non of this order, in case the petitioner found in any criminal case, the police have liberty to move an application for cancellation bail in accordance with law).**

5. The petitioner/accused shall intimate change of their address, if any, either to the police concerned or court as the case may be.

6. The petitioners/accused shall mark his attendance before the respondent Kanakapura Rural Police, on every alternative Sunday commencing from 12.04.2026 to 31.05.2026 between 10.00 a.m. to 12.00 p.m for a period of 08 weeks or till filing of the final report, whichever is earlier.

(Typed to my dictation on computer by the Typist and print out taken by him, then corrected and pronounced by me in the Open court on this the 04th day of April 2026)

(KUMAR.H.N)

II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

Order pronounced in open court
vide separate order

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