

KAVN010013762026



Presented on : 23-02-2026
Registered on : 23-02-2026
Decided on : 07-03-2026
Duration : 14 Days

**IN THE COURT OF THE PRINCIPAL DISTRICT &
SESSIONS JUDGE, VIJAYANAGARA DISTRICT,
HOSAPETE**

Present

Sri.K.M.Rajashekar, B.Sc., LL.M.
Principal District & Sessions Judge, Vijayanagara District,
Hosapete.

Crl.Misc.Case No.137 of 2026

Dated this the 7th day of March 2026

Petitioner: Accused

P.H. Ganesha S/o P.H. Anjineppa

Age: 35 years, Agriculturist, R/o, Chiribi village, Kottur Taluk,
Vijayanagara Dist.

(Rep. by Sri. Yogananda. M - Advocate)

-V/s-

Respondent:

The State by SHO, Kottur Police Station Kottur Taluk,
Vijayanagara Dist.

(Represented by Public Prosecutor).

ORDERS ON BAIL APPLICATION

This Criminal petition filed by the
petitioner/accused U/sec. 483 of BNSS Act (Old 439 of

Cr.PC) Seeking regular bail in CR No.28/2026 for offences punishable u/sec. 351(2), 69 of BNS, 2023.

2. The allegations in the FIR is that, the complainant and accused have been in love for the past 13 years. In the month of May 2020 accused took her to outskirts of the Kottur at 7.00 p.m and had sexual intercourse with a promise to marry her. So many times the accused had intercourse with her with the said promise. On 10.2.2026 forced the complainant that if she will not come with him he will commit suicide, hence complainant gone with him at about 11.30 p.m from Kotturu to Holagundi, where he tied thali to her in a temple and stayed 2 days in a lodge at Hubballi and committed sexual intercourse on her and on 12.02.2026 came to Harapanahalli and left the complainant. After that she asked the accused to lead life with her but he refused the same.

3. The petitioner-accused specifically contended that he is innocent of the charges leveled against him,

he has not committed any alleged offences. The petitioner is neither directly nor indirectly involved or abetted the offence. The petitioner is not an influential person who could tamper with the prosecution witnesses. There is no chance of his absconding, if he is let on bail as he is the permanent resident of given address. The petitioner is deeply rooted in the society and a law-abiding citizen, hails from respectable family having movable and immovable properties. He is ready and willing to abide by any conditions. Therefore, the petitioner prays for grant of regular bail.

4. The learned Public Prosecutor has opposed the bail application by filing objections contending that the petition is not maintainable either in law or on facts. The petitioner has not made out any grounds to grant bail. There is a prima-facie case against the accused regarding the alleged offences. The investigation of the case is not yet completed. If the petitioner is granted regular bail, there is likelihood of absconding and

tampering the prosecution witnesses. The accused may not be available for trial, that may hamper the investigation and trial of the case. Therefore, prays for rejection of the bail application.

5. Heard, both side perused the records.

6. The following points arose for my consideration.

1) Whether, petitioner/accused is entitle for bail as prayed.

2) What order?

7. My findings on the above points are as under:

Point No.1 : In the affirmative.

Point No.2 : As per final order for the

following:

REASONS

Point No.1:

8. Looking at the document available on record it indicates that, the complainant and accused have been in love for the past 13 years. In the month of May 2020 accused took her to outskirts of the Kottur at 7.00 p.m and had sexual intercourse with a promise to marry her.

So many times the accused had intercourse with her with the said promise. On 10.2.2026 forced the complainant that if she will not come with him he will commit suicide, hence complainant gone with him at about 11.30 p.m from Kotturu to Holagundi, where he tied thali to her in a temple and stayed 2 days in a lodge at Hubballi and committed sexual intercourse on her and on 12.02.2026 came to Harapanahalli and left the complainant. After that she asked the accused to lead life with her but he refused the same.

10. On the other hand, the learned Public Prosecutor vehemently argued that there are sufficient materials to accept prima-facie case against accused person. The investigation is not yet completed, if this accused person granted bail, there is likelihood of absconding, tampering the prosecution witnesses and destroying the documentary evidence. There is every possibility of the accused escape from the clutches of law resulting hamper in the investigation as well as the

trial etc.

11. Upon going through the materials available on record, it is to be noted that, there is 6 years delay in lodging the FIR. Petitioner/accused is in Judicial Custody from 17.02.2026. It is significant to note that the Petitioner and complainant are in relationship since past 13 years. It is also forthcoming that the petitioner got married the accused in a temple. It is significant to note that the petitioner and the complainant belong to same village and she had every knowledge about the first marriage of the petitioner with one Shruthi, and having a male child. In spite of that she continued relationship with the petitioner and married him. When the petitioner refused to take her to home this complaint came to be registered after lapse of 6 years. As rightly pointed by the counsel for the petitioner the complainant had long term consensual sex with the petitioner. When the petitioner refused to leave his first wife and to join the petitioner who is his

second wife the consensual sex become rape. There appears some mis communication between them. The permanent residence of the petitioner is not in dispute. He has deep roots in the society. No proven criminal antecedents reported against the petitioner. The petitioner had small kid wife and parents who are dependent on him.

Under the facts and circumstances of this case. I am of the opinion that, the petitioner-accused has made out ground for granting regular bail. The permanent residence of the petitioner in the given address is not in dispute. Under the facts and circumstances of this case. I am of the opinion that, the petitioner-accused has made out ground for granting regular bail. The apprehension of the prosecution regarding the non-availability for trial, tampering witnesses etc., could be easily met with by imposing appropriate stringent conditions. Accordingly, Point No.1 is answered in the Affirmative.

Point No.2:

13. In the result, I pass the following:

ORDER

The Bail Application filed by the petitioner/accused is allowed.

The jurisdiction magistrate is directed to release the petitioner/accused on bail in CR No.28/2026 on executing personal bond for a sum of Rs.50,000/- with one surety for the like sum.

CONDITIONS

1. The petitioner/accused shall not tamper the witness.
2. The petitioner/accused shall co-operate for investigation and co-operate for trial.

(Dictated to the judgement writer directly on computer. Script thereof is corrected and then pronounced by me in the open court on this the 7th day of March 2026).

(K.M.RAJASHEKAR)

Principal District & Sessions Judge,
Vijayanagara District, Hosapete.