

KAVP010030732026



Presented on : 25.05.2026

Registered on : 26.05.2026

Decided on : 10.06.2026

Duration : 15 Days

**IN THE COURT OF III ADDL.DISTRICT AND
SESSIONS JUDGE, VIJAYAPURA**

Present: Sri. Khadarsab Husensab Benakatti, B.A.LL.M
III Addl.District and Sessions Judge,
Vijayapura.

Dated this 10th day of June 2026

Crl.Misc.No.564/2026

Petitioner:

[Accused No.1]

Aravind S/o Maruti Jadhav,
Age: 20 years, Occ: Student,
R/o: Mundaragi, Tq: Mundaragi,
Dist: Gadag.

[By Sri.B.A.Halli, Advocate]

V/s.

Respondents:

1. The State of Karnataka.
Through PSI Vijayapura Women P.S.,

[By Learned Public Prosecutor]
2. Pallavi D/o Shankar Rathod,
Age: 21 years, Occ: Student,
R/o: Mahal Ainapur, Tq/Dist: Vijayapura.

[in person]

ORDER

Petitioner filed this bail petition U/Sec.483 of BNSS-2023 in connection with Vijayapura Women P.S. Crime No.75/2026, for the offences punishable U/Sec.69, 352, 351(2) R/w. Sec.3(5) of BNS-2023.

2. This bail application is moved by the petitioner through the counsel urging the divergent grounds herein.

3. In response to the notice the learned public prosecutor and respondent No.2 have appeared. The learned P.P resisted the bail application by filing the written objections contending inter-alia therein. The respondent No.2 adopts the objections filed by P.P.

4. In view of the factual allegations and rival contentions urged by the parties, following point arises for my consideration and determination;

“Whether the petitioner has made out valid grounds for grant of bail U/Sec.483 of BNSS-2023?”

5. I have heard the arguments and given thoughtful consideration to the submissions and carefully perused the material on record.

6. My answer to the aforesaid Point is in **Negative** for the following:

REASONS

7. Arguments on behalf of petitioner: Petitioner is the innocent and has been falsely implicated in the present case. There is a delay in lodging the complaint, but there is no proper explanation for the said delay. The entire story has been cooked up subsequently filed the complaint. There is nothing on record to suggested that the petitioner has involved in the said crime. Since 15.05.2026 the petitioner is languishing in jail having no criminal history and deserves to be released on bail. If the petitioner is released on bail, he will not misuse the liberty of bail and co-operative the trial. Accordingly, prayed for allowing petition.

8. Arguments on behalf of state: The bail petition has been vehemently opposed on the ground that petitioner has committed the alleged offences and has promised to marry the complainant and had sexual intercourse with her by giving life threat. There are prima-facie materials which make a specific case against the petitioner. Investigation is going on, if the petitioner is released on bail it will affect the investigation. The

petitioner may tamper the prosecution witnesses. Accordingly, prayed for dismissal of the petition.

9. I have gone through the basic factual matrix of the prosecution case. It is alleged that, complainant came in contact with accused No.1 through Instagram and since then, their friendship became cordial. Accused No.1 took her in Meridian lodge, situated in front of Golgumaz and in the house of accused No.1 had sexual intercourse with her by promising to marry her and stayed with him in his house about two months, but later-on he denied to marry her. The accused No.2 and 3 picked up quarrel with complainant by demanding money, if she marry with accused No.1, assaulted and ousted from the house. Accordingly, she has lodged the complaint against the accused persons.

10. Having regard to the submission, I have perused the records. The prosecution papers clearly goes to show that prior to committing the offence accused No.1 had promised to marry the complainant/victim and sexual intercourse with her by giving life threat.

11. It is significant to note that there will be some delay, which is satisfactorily explained. It is relevant to

note that investigation is not yet completed. Therefore, it is not fair to release the accused. If he is released on bail, he may tamper and threaten the prosecution witnesses.

12. The advocate for petitioner/A1 argued that accused No.2 and 3 have been enlarged on bail hence, this petitioner/A1 is entitled to the bail on the ground of parity. On perusal of the order passed in Crl.Misc.No.528/2026, it reveals that entire allegations are made against the accused No.1, who is the present petitioner and there is no allegations with respect of offence punishable U/Sec.69 of BNS-2023 against the petitioners in Crl.Misc.No.528/2026 (accused No.2 and 3). Further, accused No.3 who is the women by considering all these facts this court has granted the bail to the accused No.2 and 3. The allegations made against present petitioner/A1 and allegations made against the accused No.2 and 3 are quite different. Hence, petitioner/A1 is not entitled to the bail on the ground of parity.

13. The prosecution papers discloses that, the accused No.1 has committed aforesaid offence. If the accused No.1 is released on bail definitely it will gives wrong message to the society. As discussed supra,

investigation is still going on hence, it is very difficult for this court to come to the conclusion at this stage that it is a case for granting the bail.

14. That in a decision reported in **(1978) 1 SCC 118** [*Gurcharan Singh v. State (Delhi Administration)*] wherein the Hon'ble Apex court held that "the considerations in granting bail are the nature and gravity of the circumstances in which the offence is committed; the position and the status of the accused with reference to the victim and the witnesses; the likelihood of the accused fleeing from justice; of repeating the offence; of jeopardising his own life being faced with a grim prospect of possible conviction in the case; of tampering with witnesses; the history of the case as well as of its investigation and other relevant grounds which, in view of so many valuable factors, cannot be exhaustively set out."

15. The Hon'ble Apex court in **(2020) 2 SCC 118** [*Mahipal v. Rajesh Kumar*] and **2022 SCC OnLine SC 458** [*Ms. Y versus State of Rajasthan and Anr*] held that "it is a fundamental premise of open justice, to which our judicial system is committed, that factors which have weighed in the mind of the Judge in the rejection or the grant of bail

are recorded in the order passed. Open justice is premised on the notion that justice should not only be done, but should manifestly and undoubtedly be seen to be done. The duty of Judges to give reasoned decisions lies at the heart of this commitment.”

16. That the Hon'ble Apex Court was pleased to held in the case of *Prasanta Kumar Sarkar vs. Ashis Chatterjee and another* reported in **(2010) 14 SCC 496**, that the factors which are to be borne in mind while considering an application for bail are:

(i) Whether there is any prima-facie or reasonable ground to be believed that the accused had committed the offence.

(ii) Nature and gravity of the accusation;

(iii) Severity of the punishment in the event of conviction;

(iv) Danger of the accused absconding or fleeing, if released on bail;

(v) Character, behaviour, means, position and standing of the accused;

(vi) Likelihood of the offence being repeated;

(vii) Reasonable apprehension of the witnesses being influenced; and

(viii) Danger, of course, of justice being thwarted by grant of bail.”

Thus, going by the above stated factors, **especially (i) to (iii) & (v) factors**, in the case on hand also, there is a clear prima-facie case against this petitioner/A1 for having committed the alleged offences.

17. I have considered the material on record and incrementing material available on record prima-facie suggesting the involvement of the petitioner/A1 in the alleged offences. The allegations against the petitioner/A1 is serious and involved direct participation in a heinous crime. The case against petitioner/A1 is supported by prima-facie evidence.

18. Further, due to the act of the accused No.1, complainant/victim suffering from mentally and physically. Interest of the society is of utmost importance, then that of the interest of an individual i.e. the petitioner/A1. The materials produced by the prosecution, prima-facie creates a deter in the society, as to commission of the act. Further, an anxiety of the prosecution that petitioner/A1, if admitted on bail, may tamper and allure the prosecution witnesses and material; that they may flee away from the justice cannot be ruled away.

19. The general considerations with which the court while granting or refusing bail petition are the nature and gravity of offence, the role attributed to the petitioner and the facts peculiar to a particular case. The court has to strike a delicate balance between the right to liberty of an accused and need for a free and fair investigation. Thus, the attending circumstances of a particular case are crucial in determining the question as to whether or not petitioner/A1 is entitled to bail.

20. As already stated, there is material on record to suggest that petitioner has extended promise of marriage to respondent No.2, which he has failed to fulfill. There is also material on record to prima-facie show that while extracting sexual favours from respondent No.2, petitioner/A1 has assured her that he will marry her. It is on the basis of such assurance, physical relations were established over a period of time. The subsequent refusal to marry despite earlier assurance to the contrary, prima facie raises a question as to the nature and genuineness of the promise extended by the petitioner, such conduct would attract Sec.69 of the BNS. Thus, it is not a case where the allegation against petitioner are frivolous in

nature, but it is a case where there is prima-facie material to support the allegations made in the FIR. The investigation of the case is still its inception and allegations made against petitioner/A1 are serious in nature, granting bail at this stage would not only have an adverse impact on the investigation of the case, but it will also have a discouraging effect upon the prosecutrix, who has fought against all odds to prosecute petitioner. Sec.69 of BNS-2023 criminalizes sexual intercourse achieved through deceitful means. In this case also the petitioner on promise of marriage had sexual intercourse with victim.

21. That in an order passed by the Hon'ble Delhi High Court in ***bail application No.422/2026 dated 17.02.2026 (Jayanth Vats Vs. State (NCT of Delhi)*** wherein it is held that "Physical relation on repeated assurance of marriage attract Sec.69 of BNS-2023".

22. Having regard to the nature of allegations, the material collected during the investigation so far and the fact that charge sheet is yet to be filed, this court is not inclined to grant bail U/Sec.483 of BNSS-2023 to the petitioner at this stage. Accordingly, I answer above Point in the ***Negative*** and proceed to pass the following:

ORDER

The petition filed by the petitioner/
accused No.1 U/Sec.483 of BNSS-2023, is
hereby rejected.

[Dictated to the Stenographer Grade-III, directly on computer, corrected and then order
pronounced by me in the Open Court on this 10th day of June 2026]

[Khadarsab Husensab Benakatti]
III Addl.District & Sessions Judge,
Vijayapura.

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