



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.604 OF 2026 (438(Cr.PC)/

482(BNSS))

BETWEEN:

MR. VIJAY. D,
S/O. DODDAIAH,
AGED ABOUT 30 YEARS,
RESIDING AT
LAKSHMIPURA,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT-561201.

...PETITIONER

(BY SRI. S. SHEHINSHA ALI, ADVOCATE)

AND:

1. STATE BY KARNATAKA BY
TAVAREKERE POLICE STATION,
MAGADI SUB-DIVISION,
BENGALURU,
KARNATAKA.

Digitally
signed by
NARAYANA
UMA

Location:
High Court
of
Karnataka



REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

2. SMT. SOWMYA,
W/O. LOHITH,
AGED ABOUT 32 YEARS,
RESIDING AT DCPU, 2ND FLOOR,
NO.307,
BANGALORE SOUTH-560 029.

3. GEETHA. V.P.,
W/O. SRINIVAS. V.D,
AGED ABOUT 38 YEARS,
RESIDING AT
VIRUPASANDRA
MALAGALU, KANAKAPURA,
RAMANAGARA,
KARNATAKA - 562 117.

...RESPONDENTS

(BY SRI. ASNA KOUSER, ADDL. SPP FOR R1;
SRI. MOHAMMED ASFAK, ADVOCATE FOR R3)

THIS CRL.P IS FILED UNDER SECTION 438 CR.P.C (U/S
482 BNSS) PRAYING TO ENLARGE HIM ON ANTICIPATORY BAIL



IN THE EVENT OF HIS ARREST IN CR.NO.402/2025, REGISTERED AT TAVAREKERE P.S FOR THE OFFENCE PUNISHABLE UNDER SECTION 64(1) OF BNS, UNDER SECTIONS 4, 6 OF POCSO ACT, 2012, UNDER SECTION 9 OF PROHIBITION OF CHILD MARRIAGE ACT, 2006, PENDING BEFORE THE HONBLE II FAST TRACK COURT, BENGALURU RURAL DISTRICT, BENGALURU.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

1. The present petitioner/accused is seeking anticipatory bail in Crime No.402/2025 filed by the respondent/police for the offences punishable under Sections 64(1) of Bharatiya Nyay Sanhita, 2023, and sections 4 and 6 of Protection of Children From Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006.



2. The case of the prosecution is that a complaint came to be registered by the complainant, who is working as a Government official, stating that on 25.11.2025, the Probation Officer of the District Child Protection Unit informed that a girl aged 17 years and 11 months was pregnant and was residing in a rented house along with the petitioner. Therefore, seeking action to be initiated against the petitioner, etc.

3. On registering the case, the Respondent Police have conducted an investigation. During the course of the investigation, the facts of the case have been unfolded in such a way that the victim was studying in the first year of PUC at Kanakapura Rural College. She got acquainted with the petitioner, who also belonged to the same village. It is stated that they loved each other for about one and a half years. The petitioner was working as a carpenter at Kannahalli village. On 05.05.2025, the victim stated to have eloped from the house and started residing with the petitioner.



4. On 06.05.2025, it is stated that she married the petitioner. After the marriage, it is stated that he has committed sexual assault on her. On 10.11.2025, when she visited the hospital to obtain her mother's card, she submitted her Aadhaar card, upon which the authorities found that she was a minor. Hence, they lodged a complaint.

5. Based on the said information, etc., the FIR came to be registered against the petitioner, and after conducting an investigation, the charge sheet was submitted.

6. The submission of the learned counsel for the petitioner is that the petitioner is innocent of the alleged offences. It is submitted that the actual date of birth of the victim is not reflected in the Aadhaar card. In fact, she has completed 18 years of age. After attaining the majority, the marriage between the petitioner and the victim was solemnised. The petitioner is taking proper care of her.



She has now given birth to a male child. Therefore, the petitioner may be enlarged on bail by imposing suitable conditions. He will abide by the conditions to be imposed by this Court. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

7. Per contra, the learned Additional State Public Prosecutor for respondent No.1/State vehemently submitted that, though the marriage had taken place between the petitioner and the victim, the fact remains that the victim was aged 17 years and 11 months as on the date of the alleged incident. Hence, the POCSO Act applies to the case at hand. The manner in which the sexual assault committed by the petitioner against the minor is a serious offence. The POCSO Act has been enacted to regulate not only to avoid child marriage, but also to avoid sexual exploitation against children. It is evident that the victim was a minor, as on the date of the incident; therefore, it is not appropriate to grant any relief



as prayed for. Making such a submission, she prayed to reject the petition.

8. Similarly, learned counsel for respondent No. 2 submits that the petitioner and the victim are married and residing together. The learned counsel contends that the victim gave birth to a child on March 24, 2026. Therefore, the petition may be allowed in the interest of the victim and the child. Making such a submission, he prayed to allow the petition.

9. Heard the learned counsel for the respective parties and perused the averments of the charge sheet. It appears from the charge sheet that the petitioner and the victim stated to have married each other, and on 24.03.2026, the victim gave birth to a male child. The petitioner and the victim are residing together. In fact, the victim has now attained the age of 18 years. Having considered the facts and circumstances of the case and also to secure the quietus between the parties and



families, it is appropriate to grant him bail without adverting to the merit of the case. Hence, I proceed to pass the following:

ORDER

- i) The petition is allowed.
- ii) The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.402/2025 filed by the respondent/police on executing a personal fund for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Trial Court.
- iii) The petitioner shall appear before the jurisdictional police within a period of one month from today to execute a personal bond and also to furnish surety.
- iv) The petitioner shall co-operate with the investigation till the filing of the charge sheet.
- v) The petitioner shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.



vi) The petitioner shall appear before the
Trial Court on all hearing dates without fail.

In case, the petitioner violates any of the bail
conditions as stated above, liberty is reserved to the
prosecution to file a necessary application for cancellation
of bail.

Sd/-
(S RACHAIAH)
JUDGE

BKM
List No.: 1 Sl No.: 8