



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 733 OF 2026 (439(Cr.PC) /

483(BNSS))

BETWEEN:

BHAVANI PRASAD @ BHAVANI
S/O. LATE.SUBHRAMANYAM
AGED ABOUT 21 YEARS
R/O. MAJARA RAMAPURA VILLAGE,
KYSAMBALLI HOBLI
KFG-563113.

AND ALSO R/O.
BANDASHETTIPALLI VILLAGE
KUPPAM TALUK, ANDHRA PRADESH.

...PETITIONER

(BY SRI. ANAND R.V.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KYASAMBALLI POLICE, BETHAMANGALA CIRCLE,
KGF-563113.

THE RESPONDENT ADDRESS MENTIONED IN THE
CAUSE TITLE ORDER DATED 22.12.2025 IS
DIFFERENT.

Digitally
signed by
NARAYANA
UMA

Location:
High Court
of
Karnataka



REP BY STATE PUBLIC PROSECUTOR
ATTACHED HIGH COURT BUILDINGS
BENGALURU -560001.

2. XXXXXX
MINOR REP BY HER COUSIN SISTER
(NEXT FRIEND)/CW2
SMT. VANI W/O. SATISH
AGED ABOUT 25 YEARS,
R/O.MARADAGHATTA VILLAGE,
KYASAMBALLI HOBLI,
KGF KOLAR DISTRICT.

...RESPONDENTS

(BY SRI.HARISH GANAPATHY, HCGP FOR R1,
R2 - SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED
U/S 483 BNNS) PRAYING TO ENLARGE HIM ON REGULAR BAIL
IN SPECIAL CASE (POCSO) NO.40/2025 (CR.NO.16/2025
KYASAMBALLI POLICE STATION KGF) FOR THE OFFENCES
PUNISHABALE UNDER SECTION 64(2)(m) OF BNSS 2023 AND
SECTION 6 OF POCSO ACT (PENDING ON THE FILE OF
ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC-1
(POCSO) AT KOLAR.

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 petitioner is arrayed as accused No. 1 in Spl.Case (POCSO) No.40/2025 (Crime No.16/2025 of Kasamballi Police Station KGF) for the offences punishable under Section 64(2)(n) of Bharatiya Nyaya Sanhita, 2023 and Section 6 of POCSO Act

2. The case of the prosecution is that a complaint has been registered by the victim stating that she got acquainted with the accused No.1/petitioner about one year ago. It is further alleged that he has enticed and kidnapped her and taken her to the eucalyptus grove situated at Majara Kothuru and committed sexual assault on her. As such, it is alleged that he has committed sexual assault on several occasions. Thereafter, accused No.2 got acquainted with the victim about five months ago, and it is alleged that he had also developed intimacy with her. Thereafter, he took her to Sanjay Gandhi Nagar after persuading her that he would marry her and committed sexual assault on her. It is stated that she became



pregnant. Thereafter, she gave birth to a male baby. A complaint was registered against accused Nos. 1 and 2.

4. Based on the said complaint, the respondent/police have registered a case in crime number as stated supra, and after conducting the investigation, submitted the charge sheet.

5. The submission of the learned counsel for the petitioner is that the allegations made against the petitioner are baseless and bald. It is alleged that the petitioner had made the victim pregnant and that she was seven months pregnant. However, the DNA report indicates that the petitioner is not the biological father of the said child. It is further contended that a similarly placed other accused has been enlarged on bail by a co-ordinate Bench of this Court. The present petitioner is also standing on the same footing. Hence, he may be enlarged on bail on parity. Making such a submission, he prayed to allow the petition.



6. Per contra, the learned High Court Government Pleader for the respondent/State vehemently submitted that the petitioner has committed a heinous offence against the victim, who was a minor as on the date of the alleged offence. Since he has committed a heinous offence, he is not entitled to any relief as prayed for. Therefore, the bail petition has to be rejected. Making such a submission, he prays to reject the Petition

7. Heard the learned counsel for the respective parties. Perused the averments of the charge sheet. It would indicate that accused No.1 had acquainted the victim about one year ago, before the date of the incident. It is stated that he took her to a eucalyptus grove and committed sexual assault on her. Likewise, he is stated to have taken her to the grove on several occasions and committed sexual assault, as a result of which, she became pregnant. In this regard, a complaint was lodged against the petitioner and another accused. However, during the course of the investigation, the blood samples



of the present petitioner, the other accused, the victim, and the child were sent for DNA analysis. The DNA report indicates that neither the petitioner nor the other accused is the biological father of the said child. Considering the said aspect, it is appropriate to grant him bail by imposing suitable conditions. Hence, I proceed to pass the following:

ORDER

- i) The petition is allowed.
- ii) The petitioner is ordered to be enlarged on bail in Spl.Case (POCSO) No.40/2025 (Crime No.16/2025 of Kasamballi Police Station KGF) on executing personal bond 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 not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.
- iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.



v) The petitioner should not be involved in any criminal cases till disposal of the case.

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.: 29