



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 711 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

1. SANTHOSH @ SANTHOSH M
S/O MANJAPPA,
AGED ABOUT 26 YEARS,
RESIDING AT MARADI,
TANIGERE, DAVANAGERE,
KARNATAKA-577552.

...PETITIONER

(BY SRI. GIRISH R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PEENYA PS, BENGALURU
NOW REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.
2. SANTHOSH M
S/O. BASAVARAJ,
AGED ABOUT 40 YEARS,
R/AT NO 44, NGARAJAPPA BUILDING,
4TH CROSS, DODDABIDIRAKALLU,
BENGALURU-560073.

...RESPONDENTS

(BY Smt.ANITHA GIRISH N, HCGP FOR R1,
R2 SERVED AND UNREPRESENTED)

Digitally
signed by
PAVITHRA
N



Location:
High
Court of
Karnataka



THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO PASS AN ORDER GRANTING BAIL THEREBY DIRECTING RESPONDENT PEENYA PS TO RELEASE THE PETITIONER IN CR.NO.48/2025 ON SPL.C 807/2025 PENDING ON THE FILE OF THE HONBLE, ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, FTSC-II, BENGALURU FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTION 137(2), 64 BNS ACT AND SECTION 6 OF POSCO ACT AND SECTION 9, 10, 11 OF PROHIBITION OF CHILD MARRIAGE ACT.

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/Accused no 1 is before this Court seeking for regular bail in Crime No.48/2025 of respondent/police for offences punishable under Section 137(2), 64 of Bharatiya Nayaya Sanhita, 2023 and Section 6 of POCSO Act and Sections 9, 10 and 11 of Prohibition of Child Marriage Act pending on the file of the learned Additional City Civil and Sessions Judge, FTSC-II, Bengaluru in Spl.C No.807/2025.



FACTS OF THE CASE

2. The case of the prosecution is that a complaint was lodged by the father of the victim, who is a resident of Doddabidarakallu, Bengaluru. It is stated that the petitioner and the victim were loving each other. CW1 and CW2, being the parents of the victim, had initially agreed to solemnise the marriage between the petitioner and the victim. Therefore, the petitioner, along with accused No.2, had approached CW1 and CW2 with a proposal for the said marriage.
3. However, CW1 and CW2 have refused to perform the marriage, stating that the girl was a minor on the date of the said proposal. On 28.01.2025, the petitioner came to Bengaluru along with CWs. 14 and 15 in a car, and it is alleged that he kidnapped the victim/girl and took her to the house of the accused Nos. 3 and 5 with the assistance of accused Nos. 2 to



5, and married her. After marriage, he took the victim girl to the house of CW13 and stayed there till 02.02.2025. He had committed sexual assault in the house of CW13. Therefore, a complaint was registered against the petitioner. The respondent/police, on receiving the said information, have registered FIR in crime number as stated supra. The investigation has been completed, and the charge sheet has been submitted.

4. The submission of the learned counsel for the petitioner is that the petitioner and the victim were loving each other. In fact, the age of the victim was not disclosed to the petitioner. The allegations made in the complaint are baseless and bald. CW1 and CW2 have refused to perform the marriage not on the grounds that the victim/girl was a minor, but, in fact, they did not like the petitioner and his family. Hence, the victim voluntarily accompanied the



petitioner and agreed to the marriage. Thereafter, they have been secured by the respondent/ police.

5. It is further submitted that the petitioner is innocent of the alleged offence, and he is aged about 26 years, a resident of Davangere. He will abide by the conditions to be imposed by this Court in the event of his release. Making such a submission, he prayed to allow the petition.

6. Per contra, the learned High Court Government Pleader vehemently submitted that the victim was aged seventeen years and one month as on the date of the marriage. It is evident that the petitioner, with the assistance of the co-accused, kidnapped the victim and married her. Thereafter, he has committed sexual assault on her.

7. It is further submitted that, if the petitioner is enlarged on bail, it not only sends a wrong signal to society, but it also weakens the mind of the young victim. Therefore, it is not appropriate to grant any



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

8. Having heard the learned counsel for the respective parties and perused the averments of the charge sheet, it appears from the record that the age of the victim is seventeen years and one month as on the date of the alleged incident. It is an admitted fact that both were loving each other. Later, she had eloped with the petitioner, married him and stayed in the house of CW13. The date of the complaint was 30.01.2025. However, the incident occurred on 28.01.2025. On going through the statement made under Section 164 of Cr.PC would clearly indicate that the petitioner has made out a case to grant bail. Hence, I proceed to pass the order without adverting to the merit of the case.

ORDER

- i) The petition is allowed.



ii) The petitioner is ordered to be released on bail Crime No.48/2025 of respondent/police for offences punishable under Section 137(2), 64 of Bharatiya Nyaya Sanhita, 2023 and Section 6 of POCSO Act and Sections 9, 10 and 11 of Prohibition of Child Marriage Act pending on the file of the learned Additional City Civil and Sessions Judge, FTSC-II, Bengaluru in Spl.C No.807/2025 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.

vi) The petitioner shall not indulge 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



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prosecution to file a necessary application for cancellation
of bail.

Sd/-
(S RACHAIAH)
JUDGE

BKM
List No.: 1 Sl No.: 10