



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. 755 OF 2026

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

BETWEEN:

RAJ KUMAR
S/O. CHANDRAYYA
AGED ABOUT 20 YEARS,
R/AT. DOOR NO.00,
KAWALGA (B), GULBARGA,
KARNATAKA – 585 308.

...PETITIONER

(BY *SMT. YUKTHA N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KUMBALAGODU POLICE STATION,
BENGALURU,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560 001
2. MR. SATHISHA
S/O MUTTUSHETTY

* Corrected Vide Court order dated.28.04.2026

Digitally
signed by
PAVITHRA
N
Location:
High Court
of
Karnataka





AGED ABOUT 42 YEARS
RESIDING AT NO.27,
KANIMINIKE VILLAGE,
NEAR RAILWAY TRAINING CENTE,
BDA ROAD, KUMBALAGODU,
BANGALORE – 560 074

...RESPONDENTS

(BY SMT. ANITHA GIRISH N., HCGP)

THIS CRL.P FILED U/S 439 CR.P.C (U/S 483 BNSS) BY
THE ADVOCATE FOR THE PETITIONER PRAYING TO ENLARGE
THE PETITIONER ON REGULAR BAIL IN SPL.C.NO.814/2025
ARISING OUT OF FIR AND COMPLAINT IN CR.NO.268/2025
DATED.15.08.2025 FILED BY KUMBALAGODU P.S., FOR THE
OFFENCES P/U/S 238, 137(2) AND 64 OF BNS, U/S 4 AND 6 OF
POCSO ACT, PENDING ON THE FILE OF THE LEARNED ADDL.
DISTRICT AND SESSIONS JUDGE, FTSC-II, BANGALORE
RURAL, BANGALORE AS AGAINST THE PETITIONER ARRAIGNED
AS THE SOLE ACCUSED.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

The petitioner/accused is before this Court seeking regular bail in Crime No.268/2025 of respondent-Police for the offence under Sections 137(2), 64 and 238 of the Bharatiya Nyaya Sanhita, 2023 **and sections.4 and 6 of protection of children from sexual offences (POCSO) Act, 2012.*

Brief facts of the case:

2. The case of the prosecution is that a complaint came to be registered by the father of the victim, stating that he is residing in Kaniminike Village, BDA Road, Kumbalagodu along with his family. The victim is his daughter. She had discontinued her studies after 9th Standard. It is alleged that on 15.08.2025 around 03.45 pm, his daughter went out of the house on the pretext of using the washroom, situated in the front yard of the house. However, she did not return. The complaint further suspecting the involvement of the petitioner, lodged a complaint.

3. Based on the said complaint, the respondent-Police registered a case and conducted an investigation. During investigation, the victim was traced on 20.08.2025 at Kalaburagi. They recorded the statement of the victim. The



statement of the victim would indicate that, on 14.08.2025 the petitioner had messaged her and also threatened her, saying that she should accompany him or else he would commit suicide. Being afraid of the said threat, on 15.08.2025, she went to Kumbalagodu bus stop and met him. Thereafter, she was taken to Majestic bus stop. From there, they went to Gulbarga/Kalaburagi and reached the house of the petitioner. It is further stated that the victim had stayed there for 2 days and it is alleged that during the said stay, she had been subjected to sexual assault. Hence, the respondent-Police have filed a charge sheet against the petitioner.

4. Heard **Smt. Yuktha N.*, learned counsel for the petitioner and *Smt. Anitha Girish*, learned High Court Government Pleader for the respondent-State.

5. It is the submission of learned counsel for the petitioner, that the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. In fact, the victim had completed 18 years as on the date of the alleged incident occurred. The averments of the complaint would indicate that the **victim* was aged about 17 years and 9



months. There are no documents to prove that the victim was minor as on the date of the alleged incident.

6. It is further submitted that the petitioner has been misled about the age of the victim. Believing the same, he agreed to marry her. However, he has been arrested in this case on the ground that she was minor, which is baseless and false. The petitioner is aged about 20 years. He is a permanent resident of Gulbarga and he will abide the conditions to be imposed in the event of his release on bail. Making such submissions, learned counsel for the petitioner prays to allow the petition.

7. *Per contra*, learned High Court Government Pleader for respondent-State vehemently submitted that the petitioner has induced the minor that he would marry her and kidnapped her from her lawful guardianship and took her to Gulbarga to his house and there he has sexually assaulted her. Therefore, it is not appropriate to grant him bail as the victim has supported the case. Making such submissions, learned High Court Government Pleader prays to reject the petition.



8. Heard learned counsel for the respective parties and perused the averments of the charge sheet. It appears from the record that, initially a complaint was registered by the father of the victim stating that his daughter has been missing since 15.08.2025. On the basis of the said complaint, the respondent-Police have registered a case and conducted investigation. During investigation, the victim was traced and she was secured. The victim made her statement that she had been subjected to sexual assault.

9. Be that as it may. On going through the facts of the case, the victim has not produced any relevant documents to show that she was minor as on the date of alleged incident. Even assuming that she was 17 years and 9 months as per the statement of the victim, that cannot be construed as accurate and proper. Therefore, it is appropriate to grant the relief as prayed for in this petition by imposing suitable conditions that would take care of the apprehension of the prosecution.

10. Hence, I proceed to pass the following:



ORDER

(i) The petition is ***allowed.***

(ii) The petitioner is ordered to be enlarged on bail in * Crime No.268/2025 of respondent-Police for the offence under Sections 137(2), 64 and 238 of the Bharatiya Nyaya Sanhita, 2023, *Sec.4 & 6 of POCSO Act, 2012 on executing personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum 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 shall not indulge in any criminal cases till disposal of the case.

* Deleted Vide Court order dated.28.04.2026

* Inserted Vide Court order dated.28.04.2026



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

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 12