



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. 1029 OF 2026

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

BETWEEN:

SHUBHAM SHUKLA,
S/O DINESH KUMAR SHUKLA,
AGED ABOUT 29 YEARS,
R/A NO.00 MOHADDINPUR (TAKTHA)
POST-PALI, SAHJANWA, GORAKPUR DISTRICT,
UTTAR PRADESH-273 209.
PRESENTLY R/A NO.501,
BEHIND AYAPPA CHOULTRY
GREEN LAND APARTMENT,
OFFICERS MODEL COLONY,
T DASARAHALLI, BENGALURU-560 057.

...PETITIONER

(BY SRI. G M SHARATHKUMAR, ADVOCATE)

AND:

1. STATE BY BAGALAGUNTE PS
REPRESENTED BY STATE PUBLIC PROSECUTOR

Digitally
signed by
SREEDHARAN
BANGALORE
SUSHMA
LAKSHMI
Location: High
Court of
Karnataka



HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

2. VARSHA RAVAT
AGED ABOUT 26 YEARS,
R/A 69, 1ST MAIN, 2ND CROSS,
NEAR JAIN TEMPLE, T DASARAHALLI,
BENGALURU CITY, KARNATAKA – 560 057

...RESPONDENTS

(BY SRI. HARISH GANAPATHY, HCGP FOR R1;
SRI HIRAN KRISHNASWAMY, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER / ACCUSED ON REGULAR BAIL IN SPL.C.NO.209/2026 ARISING OUT OF CR.NO.510/2025 WHICH IS PENDING BEFORE HONBLE ADDL. CITY CIVIL AND SESSIONS JUDGE, FTSC-2, BENGALURU CITY FOR THE OFFENCES P/U/S 5(L) AND 6 OF POCSO ACT 2012 AND SEC. 376 OF IPC, REGISTERED BY BAGALAGUNTE P.S IN THE ABOVE CASE.

THIS CRL.P, COMING ON FOR ORDRES, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. The petitioner, who is the sole accused, is before this Court seeking for grant of regular bail in Special Case No.209/2026 pending on the file of learned Additional City Civil and Sessions Judge, FTSC-2, Bengaluru, arising out of Crime No.510/2025 filed by respondent / police for offences under Sections 5(I) and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 376(2)(n) and 506 of Indian Penal Code (for short 'IPC').

Brief facts of the case:

2. The case of the prosecution is that, a complaint came to be registered by the complainant stating that, her younger sister had been sexually assaulted by the petitioner by threatening her at gunpoint etc., It is further stated that the petitioner was residing in the place where her sister was going for studies. It is stated that the petitioner had threatened her sister by showing a gun. In the year 2023, it is alleged that, he had committed sexual assault on her several times and



thereafter, after a lapse of 2½ years, a complaint came to be registered against the petitioner belatedly, citing the reason that, as the petitioner is a rowdy-sheeter and he showed a gun and threatened the victim with dire consequences, delay has been caused to lodge the said complaint.

3. Based on the said complaint, the respondent No.1 - police have registered a case. They have arrested the petitioner on 13.12.2025. He is in judicial custody.
4. Heard Sri G.M.Sharathkumar, learned counsel for the petitioner, Sri Harish Ganapathy, learned High Court Government Pleader for respondent No.1 and Sri Hiran Krishnaswamy, learned counsel for the respondent No.2.
5. The submission of learned counsel for the petitioner is that, there is an inordinate delay in lodging the complaint. Though it is alleged in the said complaint that the petitioner was having a gun at the time when he was committing the sexual assault on the victim, the said weapon has not been seized by the respondent - police.



In fact, a false case has been registered against the petitioner and he is innocent of the alleged offences.

6. It is further submitted that, though it is alleged that he had committed sexual assault on the victim, the medical report would indicate that the hymen was not torn at the time when they conducted medical examination of the victim. That itself would indicate that no such incident had taken place between the victim and the petitioner.
7. It is further submitted that the petitioner is aged about 29 years and he is the permanent resident of Uttar Pradesh. He is also the resident of Officers Model Colony, T Dasarahalli, Bengaluru-560057. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submissions, learned counsel for the petitioner prays to allow the petition.
8. *Per contra*, learned counsel for respondent No.2 vehemently submitted that the statements of the victim are consistent that the petitioner had assaulted her sexually on three occasions. Due to the fear of seeing a



deadly weapon like gun, the victim did not disclose the said facts to her parents. Subsequently, she had to disclose the fact to her sister, who is the complainant herein. Thereafter, after due deliberation and consulting the family members, they have lodged a complaint against the petitioner.

9. It is further submitted that, merely because there is a delay in lodging the complaint, it would not take away the case of the prosecution. In fact, the statement of eye witness/injured/victim prevails over the medical evidence. Therefore, the statement of the victim assumes greater significance than the medical evidence. In the medical evidence, though it appears that the hymen was intact, that does not mean that the incident had not taken place. Therefore, the petitioner has committed a heinous offence. Hence, he is not entitled for any relief as prayed for. Making such submission, learned counsel for the respondent No.2 prays to reject the petition.
10. Similarly, the learned High Court Government Pleader appearing for respondent No.1 - State adopted the



arguments of the learned counsel for respondent No.2 and further submitted that the petitioner had criminal antecedents. One more case, namely, Crime No.511/2025 filed by the father of the complainant, is pending against the petitioner for the offences under Section 305, 218(2) and 3 of IPC. Such being the fact, if the petitioner is enlarged on bail, there is a threat to the life of the complainant and her family members. Hence, it is not appropriate to grant him bail. Making such submissions, learned High Court Government Pleader for respondent No.1 – State prays to reject the petition.

11. Heard learned counsel for the respective parties, perused the averments made in the complaint. It appears from the averments of the complaint that the petitioner had committed sexual assault on the victim on 30.07.2023. However, a complaint came to be registered on 13.12.2025. There is a delay of 28 months in filing the complaint. It is further noted that, though it is stated in the said complaint that the petitioner was having a weapon in his hand at the time of committing the sexual



assault on the victim, however, the said gun/weapon has not been seized by the respondent - police. Moreover, the medical report would indicate that the hymen was not ruptured even though it is alleged that he had sexually assaulted her on several occasions. Having considered the nature, gravity of the offence and also other circumstances, it is appropriate to grant him bail, by imposing suitable conditions that would take care of the apprehension of the prosecution.

12. Hence, I proceed to pass the following:-

ORDER

- (i) The Criminal Petition is *allowed*.
- (ii) The petitioner is ordered to be enlarged on bail in Special Case No.209/2026 pending on the file of learned Additional City Civil and Sessions Judge, FTSC-2, Bengaluru, arising out of Crime No.510/2025 of respondent-police for the offences stated *supra*, on executing a personal bond in a sum of



Rs.1,00,000/- (Rupees One Lakh only)
with one local surety for the likesum to
the satisfaction of the Trial Court.

- (iii) The petitioner shall not threaten or
tamper 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 involve in any
similar or any criminal cases till
disposal of the two cases filed against
him.

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