



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. 2306 OF 2026 (438(Cr.PC) /
482(BNSS))

BETWEEN:

SRI. SURESH R
S/O. RAMAIAH
AGED ABOUT 35 YEARS
RESIDING AT DANDINADIBBA VILLAGE
DODDERI HOBLI,
MADHUGIRI TALUK,
TUMKUR DISTRICT – 572 132.

...PETITIONER

(BY SRI. CHANDRASHEKHARA REDDY K.N., ADVOCATE)

AND:

THE STATE OF KARNATAKA
MUDUGIRI POLICE STATION
TUMKUR DISTRICT - 572 132.

Digitally
signed by
PAVITHRA
N
Location:
High
Court of
Karnataka



REP. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. ASMA KOUSER., ADDL. SPP)

THIS CRL.P FILED U/S 438 CR.PC (FILED U/S 482 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO PASS AN
ORDER OF ANTICIPATORY BAIL DIRECTING THE RESPONDENT
THAT, IF THE PETITIONER IS ARRESTED IN CR.NO.07/2026 OF
MADHUGIRI POLICE STATION, TUMKUR DISTRICT FOR THE
OFFENCES P/U/S 64(2)(f), 64(2)(m) AND 69 OF BNS 2023, ON
THE FILE OF THE PRL. CIVIL JUDGE (SR.DN) AND CJM COURT
OF MADHUGIRI, TUMAKURU DISTRICT, THEY SHALL BE
RELEASED ON BAIL.

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 is before this Court seeking anticipatory bail in Crime No.7/2026 of respondent-police for the offence under Sections 64(2)(f), 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023.

Brief facts of the case:

2. The case of the prosecution is that a complaint has been registered by the victim stating that her husband died on 19.10.2017. After death of her husband, she was residing along with her daughter in the address stated in the complaint and also she was running beauty parlour for her livelihood. It is alleged that her relative who is the petitioner got acquainted with her for the past three years and he has offered her that he would marry her. Though the complainant had informed him that she had children, he agreed and accepted that he would marry her even though she had children. Believing his version, she has consented for physical contact.

3. Thereafter, the complainant insisted him to marry her. However, the petitioner has refused to marry her. Therefore, she lodges a complaint to take suitable action



against the petitioner. The respondent/Police registered a case and investigation is under progress.

4. Heard Sri.Chandrashekhara Reddy K.N., learned counsel for the petitioner and Smt.Asma Kouser, learned Additional State Public Prosecutor for respondent -State.

5. The submissions of the learned counsel for the petitioner is that the petitioner is innocent of alleged offences. In fact, the petitioner was assisting and helping the complainant on one or the other pretext as she was a widow. However, the complainant in order to pressurize him to marry her, threatened him that she would lodge a false complaint and send him to judicial custody.

6. It is further submitted that the alleged incident of sexual intercourse had taken place in the year 2024. However, a complaint came to be registered on 07.01.2026 that is after a lapse of two years. The petitioner is aged about 35 years and permanent resident of Madhugiri Taluk and he would abide by the conditions to be imposed in the event of his release on bail. Making such submissions, he prays to allow the petition.



7. *Per contra*, learned Additional State Public Prosecutor vehemently submitted that the petitioner being a relative of the complainant had promised her that he would marry her and in that context, he had committed sexual intercourse on several occasions since 2024 till filing of the complaint. The manner in which the petitioner had assured the complainant would indicate that he had intention to deceive her and obtain a consent by fraud. Therefore, the petitioner is not entitled for the relief as prayed for. Making such submissions, she prayed to reject the petition.

8. Heard the learned counsel for the respective parties and perused the averments of the complaint. The complainant lodges a complaint stating that petitioner had promised her that he would marry her and in that context, he had committed sexual intercourse on her on several occasions. Later, he refused to marry her.

9. Be that as it may, on going through the averments of the complaint, it appears that whether the petitioner had promised the complainant to marry her is a question of fact that has to be decided in the trial. However, it is appropriate to



grant him bail without adverting to the merit of the case only on the ground that there is an inordinate delay in lodging the complaint.

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 the event of his arrest in Crime No.7/2026 of respondent-police for the offence under Sections 64(2)(f), 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023, 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 appear before the jurisdictional police within a period of one month from today to execute personal bond and also to furnish surety.



(iv) The petitioner shall co-operate with investigation till filing of the charge sheet.

(v) The petitioner shall not threaten or tamper 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.

(vii) The petitioner shall not commit 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 necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE