



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**CRIMINAL PETITION NO. 2641 OF 2026**

**(438(Cr.PC) / 482(BNSS))**

**BETWEEN:**

SOMASHEKAR ALIAS

SANNA SOMANNARA SOMASHEKHAR

S/O. HANUMANTHAPPA,

AGED ABOUT 60 YEARS,

R/AT DODDAPPA HOUSE ROAD,

KUNDAVADA VILLAGE,

DAVANAGERE TALUK - 577 001.

...PETITIONER

(BY SRI. KANTHARAJAPPA M G.,ADVOCATE)

**AND:**

THE STATE BY POLICE SUB-INSPECTOR,

CEN CRIMS POLICE STATION,





DAVANAGERE,  
REP BY- HIGH COURT SPP,  
HIGH COURT BUILDING  
BENGALURU-560 001.

...RESPONDENT  
(BY SMT.B PUSHPALATHA.,ADDL.SPP)

THIS CRL.P FILED U/S 438 CR.PC (FILED U/S 482 BNNS) PRAYING TO ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS, BY DIRECT THE APPLICATION RESPONDENT CEN CRIME POLICE, TO RELEASE /ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF THE ARREST OF THESE PETITIONER IN CRIME.NO.5/2026 FOR THE ALLEGED OFFENCES PUNISHABLE U/S CRIME ACT.2000 CEN OF INFORMATION TECHNOLOGY OF 67(B POLICE STATION DAVANAGERE, PENDING ON THE FILE OF 3<sup>RD</sup> ADDL CIVIL IUDGE AND JMFC COURT DAVANAGERE.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



**ORAL ORDER**

The petitioner is the sole accused before this Court seeking anticipatory bail in Crime No.5/2026 filed by the respondent/police for the offences punishable under Section 67(B) of Information Technology Act, 2000 pending on the file of the learned III Additional Civil Judge and JMFC Court, Davanagere.

2. The case of the prosecution is that the Sub-Inspector of Police attached to CEN Crime Police Station, Davangere, received information from NCMEC/CSAM directing verification of Cyber Tipline Report No. 204043890. Upon verification of the said information and on accessing the Facebook account of one Somashekar H., she allegedly found certain obscene photographs of children posted therein. Consequently, she lodged a complaint before the jurisdictional police. The investigation is under progress.



3. The submission of the learned counsel for the petitioner is that the petitioner is innocent of the alleged offence and has been falsely implicated in the present case. It is further submitted that the alleged uploaded obscene photographs have been uploaded on 24.12.2024. However, the complaint came to be registered on 16.01.2026. Hence, there is an inordinate and unexplained delay in lodging the complaint.

4. It is further submitted that the petitioner is aged about 60 years and is a permanent resident of the address stated in the cause title. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submission, the learned counsel for the petitioner prays to allow the petition.

5. Per contra, the learned Additional State Public Prosecutor for the respondent/State vehemently submitted that the Department of Women and Child Development has initiated various programmes to prevent and regulate



offences relating to sexual assault and atrocities against women and children. Posting obscene photographs or videos of children on Facebook is an offence and is considered as heinous in nature. It is further submitted that if the petitioner is considered to be innocent at this stage and enlarged him on bail, it would send a wrong message to society. Therefore, it is not appropriate to grant the relief as prayed for. Making such submission, she prays to reject the petition.

6. Heard the learned counsel for the respective parties, and perused the averments of the complaint. The case of the prosecution is that the respondent/police received information that a Facebook account holder had uploaded obscene videos and photographs of children on his Facebook account on 24.12.2024, and accordingly directed the respondent/police to initiate proceedings against the said account holder. Pursuant to the said direction, the complainant lodged a complaint against the accused before the jurisdictional police.



7. Be that as it may, the petitioner is not a cyber expert and is aged about 60 years. Whether he has uploaded the said photographs or videos on Facebook is a matter of investigation and trial. The material presently available on record would *prima-facie* indicate that he is innocent of the alleged offences. Therefore, it would be appropriate to enlarge him on bail by imposing suitable conditions that would take care of the apprehension of the prosecution.

8. 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.5/2026 filed by the respondent/police for the offences punishable under Section 67(B) of Information Technology Act, 2000 pending on the file of the learned III Additional Civil Judge and JMFC Court, Davanagere on executing personal bond



for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Investigating Officer.

iii) The petitioner shall appear before the Investigating Officer within a period of ten days from the date of receipt of this order to execute personal bond and also to furnish surety.

iv) The petitioner shall co-operate with investigation till filing of the final report.

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.



**NC: 2026:KHC:16155**  
**CRL.P No. 2641 of 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**

NM/BKM  
List No.: 1 SI No.: 43