



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO.541 OF 2026 (U/S 14(A) (2))

BETWEEN:

MADEVA,
S/O LATE NAGARAJU,
AGED ABOUT 23 YEARS,
PRESENTLY R/AT 27TH CROSS,
VAVA PIZZA SHOP OPPOSITE,
BAGALAGUNTE,
BENGALURU CITY-560073.
PERMANENTLY R/AT:
MARAGONDANAHALLI VILLAGE,
HANUMANALU POST,
BANNURA HOBALI, T NARASIPURA
TALUK, MYSURU-571101.

...APPELLANT

(BY SRI. GIRISH R.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BAGALAGUNTE PS,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
BENGALURU - 560001
HIGH COURT OF KARNATAKA,
BENGALURU - 560001.





2. VICTIM
D/O MANI
AGED ABOUT 19 YEARS,
R/AT: NO 77/2, 10TH CROSS,
NEAR SPOORTHI SCHOOL,
BAGALAGUNTE,
BENGALURU-560073.

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HCGP FOR R1;

SRI. HARSHAVARDHANA S., ADVOCATE FOR R2)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DATED 06.03.2026 PASSED BY THE HONBLE ADDL.CITY CIVIL AND SESSIONS JUDGE, FTSC-II BENGALURU CITY IN CRL.MISC NO.1675/2026 AND CONSEQUENTLY BE PLEASED TO ENLARGE THE APPELLANT ON REGULAR BAIL IN SPL.CC NO.311/2026 ARISING OUT OF CRIME NO.513/2025 REGISTERED FOR THE OFFENCES P/U/S 5(L) AND 6 OF THE POCSO ACT 2012 SECTION 3(2)(v) OF THE SC/ST (POA) ACT AND SECTION 65(1) AND 69 OF BNS, 2023 WHICH IS PENDING ON THE FILE OF THE HONBLE ADDL.CITY CIVIL AND SESSIONS JUDGE FTSC-II BENGALURU CITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



ORAL JUDGMENT

The accused/appellant of offences punishable under Section 352, 115(2) 351(2), 65, 89 of the Bharatiya Nyaya Sanhita Act, 2023, read with Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6, 5(I) of the Protection of Children from Sexual Offences Act, 2012 in Cr.No.513/2025 registered before the Bagalkunte Police Station, Bengaluru, is before this Court being aggrieved by the order dated 06.03.2026 passed in Crl.Misc. No.1675/2026 on the file of Additional City Civil & Sessions Judge, FTSC-II, Bengaluru by which his application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita has been rejected.

2. Heard Sri.Girish.R learned counsel for the appellant as well as Sri.Vinay Mahadevaiah learned HCGP for respondent No.1 and Sri.Harshavardhana.S learned counsel appearing for respondent No.2/victim who is also personally present before this Court.



3. Perusal of the contents of the complaint dated 16.12.2025 indicates that the appellant allegedly representing to be in love with the victim and promising of marrying her had subjected her to sexual assault, resulting in she becoming pregnant and later undergoing abortion. That the incident is alleged to have taken place during the year 2022 and 2023 when she was a minor and the complaint is lodged when she aged about 19 years.

4. It is submitted by learned counsel for respondent No.2/victim on instructions by the victim, who is personally present before the Court that she had neither complained nor had visited any hospital nor even availed any medical assistance during the time when the alleged incident had taken place and when she had to undergo abortion. It is further submitted that accused-appellant and the victim have now decided to marry and live their marital life.

5. As noted above, the instant complaint has been filed when admittedly, respondent No.2/victim is aged 19 years, alleging the incident that had purportedly taken place during the years 2022 and 2023. In the light of there being no



complaint or any material with regard to she having availed any medical aid/assistance or she having complained to anyone about the alleged incident, and in the light of the submission being made with regard to appellant and victim now resolving to marry, this Court do not find any *prima-facie* material making out a case to reject the request of the bail.

6. Accordingly, the following:

ORDER

- (i) Criminal appeal is ***allowed***.
- (ii) The order dated 06.03.2026 passed by the Court of Additional City Civil & Sessions Judge, FTSC-II, Bengaluru, in Crl.Misc.No.1675/2026, is set aside.
- (iii) Accused/ Appellant is directed to be enlarged on bail in Spl.C.C.No.311/2026 arising out of Cr.No.513/2025 registered by Bagalkunte Police Station for the offences punishable under Section 352, 115(2) 351(2), 65, 89 of the Bharatiya Nyaya Sanhita Act, 2023, read with Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6, 5(I) of the Protection of Children from Sexual Offences Act, 2012, subject to the following conditions:



a) Accused/ Appellant shall execute personal bond for a sum of Rs.50,000/- with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) Accused/ Appellant shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) Accused/ Appellant shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Accused/ Appellant shall not involve in similar offences in future;

e) Accused/ Appellant shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

f) Communicate copy of this order to the trial Court and concerned Prison authorities forthwith.

SD/-
(M.G.S. KAMAL)
JUDGE