



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

CRIMINAL APPEAL NO.2582 OF 2025 (U/S 14(A) (2))

BETWEEN:

SRI. M. CHANDRA KUMAR,
S/O MUNIRAMAIAH,
AGE ABOUT 56 YEARS,
R/AT SUGNANA NAGARA
MANDIBLE ROAD
VIJAYAPURA TOWN
DEVANHALLI TALUK
BENGALURU RURAL DISTRICT.
(ACCUSED NO 1 IS IN JUDICIAL CUSTODY)

...APPELLANT

(BY SRI. GIRISH R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
VIJAYPURA POLICE STATION,
REPTD BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU- 560001.
2. SMT CHAITRA C.N.
W/O MANJUNATH,

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



AGE ABOUT 30 YEARS,
R/A SUGNANA NAGARA,
MANDIBLE ROAD,
VIJAYPURA TOWN,
DEVANHALLI TALUK

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HCGP FOR R1;
R2 IS SERVED)

THIS CRL.A. FILED U/S.14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO GRANT BAIL TO THE APPELLANT BY DIRECTING THE 1ST RESPONDENT POLICE TO RELEASE THE APPELLANT ON BAIL ARRESTED IN CRIME NO.0215/2025 FAST TRACK COURT-2, BENGALURU RURAL DISTRICT BENGALURU FOR THE OFFENCES PUNISHABLE UNDER SECTION SECTION-64, 65(2), 61(2) (a) OF BHARATIYA NYAYA SANHITA 2023, UNDER SECTION 4 (2), 5 (I) AND 6 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 AND UNDER SECTION-3 (2)(v) OF THE SC AND ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015.

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

Accused/appellant in this appeal being aggrieved by the order dated 29.11.2025 passed in Crl.Misc. No.2233/2025 on the file of Additional District and Sessions Judge FTSC-II, Bengaluru Rural District, Bengaluru, by which his application filed under Section 483 of BNSS for the grant of regular bail for the offences punishable under Sections 64, 65(2), 61(2)(a) of Bharatiya Nyaya Sanhita 2023, Section 4(2), 5(L) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 registered in Cr.No.252/2025 has been rejected.

2. A complaint dated 08.11.2025 came to be filed by respondent No.2/defacto complainant the mother of the victim before the jurisdictional police alleging that the complainant along with her husband and children were residing as tenants under accused No.1. On 05.11.2025, the victim girl was then studying in the third standard,



stayed back at home as she had some problem in her eyes. When the complainant/respondent No.2 returned home at 12.00 noon, she found the folded beds were scattered. When she questioned the victim girl, she was told that after complainant had gone to her work, accused/appellant herein being the owner of the house had come to her house and removed the clothes of the victim and had inserted his private parts into the private parts of the victim girl. That again on 07.11.2025, when the complainant went to her work, the victim girl was at home. At about 12.00 noon, the victim girl had called one Kalyana, who was working along with the complainant/respondent No.2. When the complainant went home, the victim girl was playing in front of the house of one Mansor. The complainant took the victim girl to her house and enquired as to why she was outside the house to which the victim girl had informed that accused No.1 had come home when she was playing, the said Mansor had called accused No.1 and left the child with the accused



and accused No.1 made the victim girl to lay on the cot of the house of Mansor and committed sexual harassment on the victim girl.

3. That she had first taken the victim girl to Vijayapura Government Hospital and the doctor on examination gave some pain relieving tablets. That since the husband of the complainant was not available and since the victim girl was complaining of pain, she took the child victim girl to one Sindhu Clinic. There was delay in filing the complaint, as the husband of the complainant was not available. Thus, the complaint was lodged on 08.11.2025 upon which the respondent could registered the case in Cr.No.215/2025 for the offences noted above. Accused/appellant No.1 was apprehended on 09.11.2025 and is being in custody since then.

4. Learned counsel for the appellant taking this Court through the records submits that the accused/appellant has been falsely implicated into the



case on account of certain financial transactions which the accused had with the mother of the victim. There is no truth in the allegation. If at all the accused/appellant had committed sexual assault as alleged, nothing prevented complainant/respondent No.2 to have brought to the notice of the Vijayapura Government Hospital in the very first instance and thereafter at least Sindhu clinic for the second time. He submits that even the medical records indicate victim girl is stated to be suffering from mild mental retardment requiring assessment by psychologist. That accused No.2 has been enlarged on bail by the trial Court. The charge sheet has already been filed and accused No.1/appellant will co-operate with the trial and abide by the conditions that may be imposed and seeks for grant of regular bail.

5. Learned HCGP, on the other hand, submits that medical record indicates the victim girl having been subjected to sexual assault. A *prima facie* case has been made out against the accused and there is every likelihood



of accused influencing the prosecution witnesses if let on bail therefore seeks for rejection of the application.

Respondent No.2/complainant despite service of notice has remained absent

6. Heard. Perused the records.

7. Perusal of the complaint dated 08.11.2025 as noted above indicate that the accused/appellant herein had subjected the victim girl to sexual assault on two occasions i.e., on 05.11.2025 at the residence of the victim girl/respondent No.2 as well as on 07.11.2025 at the residence of accused No.2, with the help and assistance of the accused No.2. The complaint also indicates that respondent No.2 had taken the victim girl initially to Vijayapura Government Hospital, who on examination of the victim girl had prescribed tablets for pain relief. Nothing is mentioned as to if any action was initiated in the first instance itself. The complaint further indicates that respondent No.2 had taken the victim girl



again to one Sindhu Clinic. Even at this juncture, there is nothing to indicate any action having been initiated on subsequent occasion. It is only upon the complaint dated 08.11.2025, the case has been registered. Since the charge sheet is stated to have been filed, the confinement of accused No.1/appellant, would not be required for the purpose of investigation. Considering the fact that accused No.1/appellant is the owner of the building and being the permanent resident, there is no likelihood of he not being available for trial. Accused No.2 has been enlarged on bail. Therefore, this Court is of the view that the *prima facie* case has been made for grant of bail. Accused-Appellant is entitled for bail subject to following conditions.

ORDER

- (i) Criminal appeal is allowed.
- (ii) The impugned order dated 29.11.2025 passed by the Court of Additional District and Sessions Judge FTSC-II, Bengaluru Rural District, Bengaluru, in CrI.Misc. No.2233/2025 is set aside.
- (iii) Accused No.1/appellant is directed to be enlarged on bail in Crime No.215/2025



registered by Vijayapura Police Station registered for the offences punishable under Sections 64, 65(2), 61(2)(a) of Bharatiya Nyaya Sanhita 2023, Section 4(2), 5(L) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, subject to the following conditions:

a) Accused No.1/appellant shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Accused No.1/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 No.1/appellant shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Accused No.1/appellant shall not involve in similar offences in future;

e) Accused No.1/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.

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