



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION No. 17519 OF 2025 (439(Cr.PC) /
483(BNSS))

BETWEEN:

1. AKHILESH M @ AKHILESH NAIK
S/O MANJA NAIK
AGED ABOUT 27 YEARS
R/O BALURU VILLAGE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT
PIN – 577 222.

...PETITIONER

(BY SRI. KRISHNAPPA N R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY INSPECTOR OF POLICE
SHIKARIPURA RURAL POLICE STATION
REPRESENTED BY SPP
HIGH COURT BUILDING
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENT

(BY SMT. WAHEEDA M M, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED UNDER SECTION 483 BNNS) PRAYING TO THE HAS REJECTED THE BAIL PETITION ON GRANT HIM BAIL IN CRIME No.233/2025 REGISTERED BY THE SHIKARIPURA RURAL POLICE REGISTERED FOR THE OFFENCES PUNISHABLE UNDER





SECTIONS 64(2)(M), 351(3), 352 AND 74, 115(2), 329(4) AND 190 OF BNS 2023.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

1. This petition is filed by accused No. 1 under Section 483 of BNSS praying to grant bail in Crime No. 233/2025 of Shikaripura Rural Police Station registered for offences under Sections 64(2)(M), 351(3), 352, 74, 115(2), 329(4) and 190 of BNS.

2. Heard learned counsel for petitioner and learned HCGP for respondent – State.

3. Learned counsel for petitioner would contend that petitioner and victim lady were having extra marital affair and therefore the victim lady, along with her child, went to a lodge with the petitioner. The alleged physical contact between petitioner and the victim lady is consensual. Victim lady is aged 22 years, married having a son aged 3 years. Statement of the victim lady has



already been recorded under Section 183 of the BNSS. The alleged incident has taken place on 21.06.2025 and complaint has been filed on 08.08.2025. There is delay of 46 days in filing the complaint. The FSL report is negative. Petitioner is in judicial custody since 08.08.2025 and as chargesheet is filed, he is not required for further custodial interrogation. With this, he prayed to allow the petition.

4. Per contra learned HCGP would contend that the documents collected indicate that the petitioner had booked the lodge on 21.06.2025. Statement of victim lady has been recorded under Section 183 of BNS which clearly indicates the act of this petitioner forcibly taking the victim lady to the lodge and having sexual intercourse with her. Chargesheet material show prima facie case against the petitioner for offences alleged against him. With this she prayed to reject the petition.

5. Having heard learned counsel for the parties, the Court has perused the chargesheet and other materials placed on record.



6. As per chargesheet case of the prosecution is that petitioner was telling the victim lady that he was loving her and at that time, victim lady had told him that he is also married and she is also married and not to do so. Petitioner asked the victim lady to come in the midnight or otherwise he will commit suicide by writing her name. On 21.06.2025, the victim lady went along with her 3 years old son near bus stand and went on the bike of the petitioner to a lodge. It is alleged that the petitioner had committed forcible sexual intercourse on the victim lady in the said lodge. Thereafter petitioner was harassing the victim lady to come with him. She informed the same to her husband and both went to the Police Station, but, returned without filing complaint. On 08.08.2025 at about 06.30 a.m., accused Nos. 3 to 5 - family members of the petitioner - accused No. 1 went to the house of C.W.1 and C.W.2, abused her stating that they had been to file complaint against the petitioner, accused No. 3 held the hairs of C.W.1, kicked her on her stomach and others



abused C.W.1 and C.W.2, assaulted with hands on their body and caused injuries.

7. Victim lady is aged 22 years and she is married having husband and son aged 3 years. On being called by the petitioner, she went on his bike to a lodge along with her child. The alleged incident of sexual intercourse taken place on 21.06.2025 and complaint has been filed on 08.08.2025. There is delay in filing the complaint. Complaint has been filed after the incident dated 08.08.2025, when accused Nos. 2 to 5 have assaulted C.W.1 and C.W.2.

8. It is submitted by learned counsel for petitioner that there is extra marital affair between petitioner and victim lady and alleged act of sexual intercourse is consensual. Petitioner is in judicial custody since 08.08.2025 and as chargesheet is filed he is not required for further custodial interrogation. The offences alleged against the petitioner are not punishable either with death



or imprisonment for life. There are no criminal antecedents of the petitioner.

9. Considering the above aspects, petitioner has made out case for grant of bail with conditions.

In the result, the following;

ORDER

Petition is allowed. Petitioner is granted bail in Crime No. 233/2025 of Shikaripura Rural Police Station subject to following conditions.

- I. Petitioner shall execute bail bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the jurisdictional Court.
- II. Petitioner shall not tamper the prosecution witnesses either directly or indirectly.
- III. Petitioner shall attend the trial Court on all dates of hearing unless exempted and cooperate for speedy disposal of the case.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE