



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100343 OF 2026
(439 OF Cr.PC/483 OF BNSS)

BETWEEN:

SRI. SHESHAPPA YALLAPPA GURLAHOSUR,
AGE: 63 YEARS, OCC: FARMER,
R/O. YADRANVI VILLAGE-591126,
TQ. SAUNDATTI, DIST. BELAGAVI.

...PETITIONER

(BY SRI NEELENDRA D. GUNDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY SAUNDATTI POLICE STATION,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING, DHARWAD-580001.
2. SMT. GEETA MALLIKARJUN GURLAHOSUR,
AGE: 37 YEARS, OCC: HOUSEWIFE,
R/O. YADRANVI VILLAGE-591126,
TQ. SAUNDATTI, DIST. BELAGAVI.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 SERVED)

THIS CRIMINAL PETITION IS FILED U/S.439 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.483 OF BNSS) PRAYING TO GRANT BAIL TO THE PETITIONER/ACCUSED IN CRIME NO. 365/2025 REGISTERED WITH SOUNDATTI POLICE STATION AND PENDING BEFORE DESIGNATED AND SPECIAL COURT FOR POCSO/II ADDITIONAL DISTRICT AND SESSIONS JUDGE BELAGAVI IN SPL.C.NO.06/2026, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 329(4), 351(2), 65(1) OF BNS AND SECTION 4, 6 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT-2012, IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed under Section 439 of the Code of Criminal Procedure, 1973¹/Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023², seeking to enlarge the petitioner/accused on bail with the following prayer:

*"WHEREFORE, the Petitioner/**Accused** most humbly prays that this Hon'ble Court may be pleased to grant bail to the petitioner in **Crime no: 365/2025** Registered with Soundatti Police Station and Pending before Designated and Special Court for POCSO/II Addl. District & Sessions Judge Belagavi in **Spl. C No-06/2026**, for the offences punishable u/s. **329(4), 351(2), 65(1) of BNS and Section 4, 6 of Protection of Children From Sexual Offences Act-2012.** in the interest of justice and equity."*

2. It is the brief case of the prosecution that the victim girl is 14 years old and when her parents went to outside for doing coolie work, the victim girl was alone in the house and the accused entered the house and committed an offence of penetrative sexual assault on the victim girl and threatened the

¹ Hereinafter referred to as the 'Cr.P.C.'

² Hereinafter referred to as the 'BNSS'



victim girl and her brother and allegedly caused criminal intimidation to both the victim and her brother that, 'if the said incident is disclosed to anybody, he is going to kill them'. Therefore, with these allegations a complaint is lodged on 13.11.2025. Thus the petitioner/accused is foisted with the offences as above stated.

3. Heard the arguments of Sri. Gunde Neelendra Dhanyakumar, learned counsel for the petitioner/accused and Sri. Abhishekh Malipatil, learned HCGP, for the respondent No.1-State and perused the material made available before the Court.

4. Learned counsel for the petitioner/accused submitted that the entire complaint averments are false one and it is due to financial dispute between the family of the complainant and the accused. It is further submitted that the petitioner is 63 years old and from the medical certificate it is reported that there is no report of recent injuries of hymenal tears. Therefore, submitted that prosecution case is false one and hence prays for grant of regular bail.

5. Learned HCGP vehemently opposes the grant of bail to the petitioner and prays for rejection of the petition.



6. Upon perusal of the averments made in the complaint, FIR and charge sheet materials a prima facie case is found that the victim girl is aged 14 years. The allegation against the petitioner/accused is that he has committed offence of penetrative sexual assault, which is grievous one amenable for imprisonment of 20 years, in case, the prosecution is able to prove the guilt of the petitioner/accused.

7. At this stage, whether there is a dispute regarding financial transaction or not cannot be decided. Just because the petitioner is aged 63 years old cannot be said that at this stage he is not able to perform sexual intercourse. Further, the victim has given statement as per Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. The charge sheet is filed, which indicates prima facie that the accused has committed offence alleged. Now the trial has been commenced and witnesses including the victim girl are to be examined. At this stage if the petitioner is released on bail, then there are chances of absconding and threatening the witnesses, tampering evidence and fleeing away from justice. Therefore, the Court is of the opinion not to enlarge the petitioner on bail.



8. Hence, the petition is liable to be dismissed. Accordingly,
dismissed.

9. However, the Special Court is directed to expedite the trial by following the principles of law laid down by the Hon'ble Supreme Court in the case of ***Akil @ Javed vs. State of NCT of Delhi***³ and ***State of U.P. vs. Shambhu Nath Singh and Others***⁴.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

PMP /CT-AN
List No.: 1 Sl No.: 53

³ 2013 (7) SCC 125

⁴ 2001 (4) SCC 667