



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR**  
**CRIMINAL APPEAL NO.100829 OF 2025**  
**(U/S.14 A(2) of SC & ST ACT)**

**BETWEEN:**

IRAYYA  
S/O. CHANDRAYYA HIREMATH,  
AGE: 27 YEARS,  
OCC: LORRY DRIVER,  
R/O. HUNASIKATTI, TQ. NARAGUND,  
DIST. GADAG, PIN CODE-582207.

...APPELLANT

(BY SRI BASHEERAHMED, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
THROUGH GADAG WOMEN POLICE STATION,  
REPT. BY ADDITIONAL STATE  
PUBLIC PROSECUTOR,  
S.P.P. OFFICE, HIGH COURT OF KARNATAKA,  
DHARWAD.
2. VICTIM  
REP. BY SRI RAVI MADAR  
S/O. BHIMAPPA MADAR,  
AGE: 47 YEARS,  
OCC: AGRICULTURE,  
R/O. SANGAL, TAL. RAMDURG,  
DIST. BELAGAVI-591123.

...RESPONDENTS

(BY SRI JAIRAM SIDDI, HCGP FOR R1;



SRI PRAKASH S. GUDIHINDIN, AMICUS CURIAE FOR R2)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14(A)(2) OF THE SC/ST (POA) ACT 2015 PRAYING TO ALLOW THE PRESENT CRIMINAL APPEAL AND APPELLANT (A1) MAY BE RELEASED ON REGULAR BAIL IN GADAG WOMEN POLICE STATION P.S.CRIME NO.03/2025 PENDING ON THE FILE OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, GADAG AS SPL.C.SC/ST) NO.65/2025 UNDER SECTIONS 64(2)(M), 65(1), 96, 115(2), 351(3) OF BNS 2023, SECTION 4(1), 4(2) AND 6, 14, 17, 18 OF POCSO ACT 2012 SECTION 3, 4, 5, 6 IMMORAL TRAFFIC (PREVENTION) ACT 1956 SECTION 3(1)(R)(S)(W)(2) (VA) SC/ST ACT 2015, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

### **ORAL JUDGMENT**

The accused No.1 has preferred this appeal praying to enlarge him on bail with the following prayer:

*"In view of the above submissions, Hon'ble Court may graciously be pleased to allow the present criminal appeal and the Appellant (Accused No.1) may be released on regular bail in Gadag Women police station P.S. Crime NO.03/2025 pending on the file of Ld. Addl. District and Sessions Judge, Gadag as Spl.C. (SC/ST) No.65/2025 under section 64(2)(m), 65(1), 96, 115(2), 351(3) of BNS, 2023 sec. 4(1), 4(2) and 6, 14, 17, 18 of POCSO Act, 2012 sec 3,4,5,6 IMMORAL TRAFFIC (PREVENTION) ACT 1956, sec. 3(1)(r)(s)(w)([2])[va] SC/ST, in the interest of justice and equity.*



*AND FOR THIS ACT OF KINDNESS THE  
APPELLANT SHALL EVER PRAY AS IS DUTY BOUND."*

2. It is the brief case of prosecution that as per complaint, FIR and charge sheet along with materials annexed thereto that the victim is belonging to the Schedule Caste and the appellant/accused No.1 was coming to the house of mother of victim and committed repeated penetrative sexual assault on the victim by criminally intimidating the victim and when it was asked by the mother of the victim, the appellant/accused No.1 had assaulted on her and committed the offence as charge sheeted. Also the accusation against accused No.2 is that accused No.2 had confined the victim in her house illegally and insisted the victim to cooperate for sexual intercourse with other male members by receiving amount from the male members. Thus, in this way, both the accused Nos.1 and 2 have committed the offence as above stated. Further the accused Nos.3 to 4 have also committed repeated penetrative sexual assault on the victim. Therefore, upon



the investigation charge sheet is filed for the offences as above stated.

3. Heard the arguments of Sri.Basheer Ahmed, learned counsel for the appellant/accused No.1, Sri.Jairam Siddi, learned HCGP appearing for the respondent No.1/State and Sri.Prakash S. Gudihindin, learned Amicus Curiae appointed as Advocate on behalf of respondent No.2/victim.

4. Learned counsel for the appellant/accused No.1 submitted that the appellant/accused No.1 is only 27 years old and has committed the alleged offences. Further submitted that he is in custody since 14.02.2025, therefore prays to enlarge the appellant/accused No.1 on bail.

5. On the other hand, learned HCGP appearing for the respondent No.1/State and learned amicus curiae/panel advocate appearing for respondent No.2/victim have objected for grant of bail to the appellant.



6. Upon considering the charge sheet materials the prosecution has shown the material that the victim was below the age of 18 years. Hence, she is minor. Though at different statements recorded, the age of the victim stated is varied, but the fact remains as per materials that the victim is minor girl below the age of 18 years. It is the allegation against the appellant/accused No.1 that he has committed repetitive penetrative sexual assault, which is viewed with serious offence against the minor girl. Upon considering the gravity of the offence alleged, the appellant/accused No.1 and other accused have sexually assaulted the minor girl is grievous in nature. Therefore, the appellant/accused No.1 is not entitled to release on bail.

7. The offences alleged are punishable with imprisonment for life or imprisonment for 20 years. Therefore, if at this stage, if the appellant/accused No.1 is enlarged on bail then there would be every chances of absconding and fleeing away from the justice. Therefore,



considering the gravity of the offence alleged, that too committing sexual assault against the member of Schedule Caste and the minor girl, there are every chances of threatening and absconding. In such an event, the entire trial will become dwindled. Therefore, the petition is liable to be dismissed.

8. Accordingly, I proceed to pass the following:

ORDER

- (1) The petition is ***dismissed***.
- (2) The trial court shall expedite the trial since the appellant/accused No.1 is in custody by following the judgments of Hon'ble Supreme Court in the case of ***AKIL @ JAVED VS. STATE OF NCT OF DELHI<sup>1</sup>*** and ***STATE OF U.P. VS. SHAMBHU NATH SINGH AND OTHERS<sup>2</sup>***.

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<sup>1</sup> 2013(7) SCC 125

<sup>2</sup> 2001(4) SCC 667



- (3) The High Court Legal Services Committee is requested to pay requisite fee to learned Amicus Curiae in accordance with law.

**Sd/-**  
**(HANCHATE SANJEEVKUMAR)**  
**JUDGE**

DR /CT-AN  
List No.: 2 Sl No.: 7