



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO.200232 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

KHAJAPPA S/O KHANDAPPA PUJARI,
AGE: 18 YEARS, OCC: STUDENT,
R/O GHOLANOR VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI-585301.

...PETITIONER

(BY SRI RAVINDRA H. BABALESHWAR, ADVOCATE)

AND:

1. THE STATE THROUGH
DEVALAGANAGAPUR POLICE STATION,
TQ: AFZALPUR, DIST: KALABURAGI,
IT'S REPRESENTED BY
ADDL. SPP, HIGH COURT OF KARNATAKA
AT KALABURAGI BENCH-585103.

2. SMT. SUDHARANI
W/O SHARANAPPA PUJARI,
AGE: 30 YEARS, OCC: AGRICULTURE,
R/O GHOLANOR VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI-585301.

...RESPONDENTS

(BY SRI GOPALKRISHNA B. YADAV, HCGP FOR R1;
R2 SERVED)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (OLD) UNDER SECTION 483 OF BNSS (NEW) PRAYING TO ALLOW THE PETITION THERE BY ENLARGE THE PETITIONER ON BAIL IN CRIME CASE NO.85/2025 (SPL. CASE NO.324/2025) PENDING ON THE FILE OF ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I AT KALABURAGI, THE CRIME REGISTERED BY THE DEVALA GHANAGAPUR POLICE STATION, FOR THE OFFENCES P/U/S 64(2)(K), 65(2) OF BNS ACT 2023 AND U/SEC. 4(2), 6, 8 OF POCSO ACT, 2012.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

Heard learned counsel for the petitioner and learned High Court Government Pleader appearing for respondent No.1/State.

2. The petitioner has filed this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as the accused is in judicial custody in Special Case No.324/2025, pending on the file



of the Additional District and Sessions Judge, FTSC-I (POCSO) at Kalaburagi.

3. On the basis of the complaint filed by Sudharani, Deval Ganagapur Police have registered the case in Crime No.85/2025 against the accused for the commission of offences under Sections 137(2), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and under Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'). During the course of investigation, the Investigating Officer has arrested the accused on 07.09.2025 and produced before the Court. The accused was remanded to judicial custody and he was in judicial custody till this day. After investigation, the Investigating Officer has submitted the chargesheet against the accused for the commission of offences under Sections 64(2)(K), 65(2) of the BNS and under Sections 4(2), 6 and 8 of the POCSO Act.



4. The Trial has already been commenced by the Trial Court and the material witness, the complainant, who is the mother of the victim is examined as PW.1. She has not supported the case of the prosecution. She has categorically stated that she does not know the contents of Exhibit P.1 and she was treated as hostile witness. PW.2 Bhootali, PW.3 Madiwal , PW.4 Yallaling, PW.5 Jakkamma, PW.6 Saidappa, PW.7 Sharanappa and PW.8 Srisail have not supported the case of the prosecution. That on 06.01.2005, the Trial Court has observed that as per the report submitted by the Professor and Head of the Department of Psychiatry, GIMS, Kalaburagi, the victim is unable to give evidence by understanding the questions through signals either by hand or through other parts of the body. Since all the material witnesses have not supported the case of the prosecution, at this stage, without expressing any opinion on the merits of the case, it is just and proper to allow this bail application. Hence, I proceed to pass the following:



ORDER

The Criminal Petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.85/2025 (Special Case No.324/2025) registered by Deval Ghanagapur Police Station, for the offences punishable under Sections 64(2)(K), 65(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4(2), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, pending on the file of the Additional District and Sessions Judge, FTSC-I (POCSO) at Kalaburagi, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum, to the satisfaction of the jurisdictional Court;
- b) Petitioner shall not tamper with the prosecution witnesses or threaten the prosecution witnesses in any manner;
- c) Petitioner shall appear before the Trial Court on all dates of hearing without fail.



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- d) The Registry is directed to send the copy of this order to the Trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

RSP
List No.: 1 Sl No.: 17
CT: BH