



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200260 OF 2026

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

BETWEEN:

DANIEL
S/O RAJKUMAR WAAGE
AGE: 24 YEARS, OCC: COOLIE
R/O ALLAPUR VILLAGE
TQ: AND DIST: BIDAR-585401

...PETITIONER

(BY SRI. SANJAY KULKARNI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH JANWADA PS
DIST: BIDAR
REPRESENTED BY THE ADDL. S.P.P
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585103

2. ALKA
W/O ANILKUMAR HIPPALGAONKAR
AGE: 55 YEARS
OCC: SUPERVISOR OF ANGANWADI
ALLAPUR, TQ: AND DIST: BIDAR
R/O NAVADGERI BIDAR

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1;
NOTICE TO R2 IS HELD SUFFICIENT V/C/O DTD 26.02.2026)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS (NEW) PRAYING TO A) ALLOW THE PETITIONER (ACCUSED NO.1) IN CRIME NO.132/2025 REGISTERED BY THE JANWADA P.S, BIDAR DISTRICT, FOR THE OFFENCE'S PUNISHABLE U/S 64(2)(m) OF BNS ACT 2023, SECTION 4 AND 6 OF POCSO ACT AND ALSO U/S 9, 10 AND 11 OF PROHIBITION OF CHILD MARRIAGE ACT, PENDING ON THE FILE OF ADDL. DISTRICT AND SESSIONS JUDGE, AT BIDAR, IN SPL.CASE.NO.2/2026 AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 483 of BNSS, 2023, by the petitioner/accused No.1 for grant of bail in Spl.Case No.2/2026, arising out of Crime No.132/2025, registered by Janwada Police Station, Bidar, for the offences punishable under Sections 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS'); Sections 4, 6 and 17 of Protection of children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'); and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 (for short, 'PCM Act'), presently pending on the file of Addl. District & Sessions Judge, Bidar



2. The factual matrix of the case is, complainant/respondent No.2-Alka, being an Anganwadi Supervisor, lodged a complaint on 31.10.2025 against the petitioner and others before respondent No.1-Police that she has received information from her higher officials on 28.10.2025 that a minor girl was given in marriage to petitioner/accused No.1 at Pakkalwada village, Bidar, and she has been instructed to verify the same and to file necessary complaint to the concerned Police. Accordingly, respondent No.2 visited the victim's house and on enquiry, she learnt that the victim, who was minor i.e., aged about 16 years 4 months, has given in marriage to the petitioner. On the strength of said complaint, FIR came to be registered in Crime No.132/2025 against the petitioner and others.

3. During the course of investigation, it was revealed that the family members of petitioner and the victim performed the marriage of victim with accused No.1 and after the marriage, victim-accused were residing



together and were sexually active. Hence, the Investigating Officer filed charge-sheet against the petitioner and others for the aforementioned offences, by arraying the petitioner as accused No.1 and arrested him on 14.11.2025 and remanded to judicial custody. Aggrieved by his custodial detention, he approached the learned Addl. District and Sessions Judge, Bidar, for grant of regular bail in Crl.Misc.No.628/2025 and the same was dismissed vide order dated 28.01.2026. Aggrieved by the same, petitioner/accused No.1 is before this Court.

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

5. Apart from urging several contentions, learned counsel for the petitioner contented that respondent No.2 has lodged the complaint based on the information provided by her higher officer without verifying the documents pertaining to the age of victim. She lodged the



complaint solely based on the School Certificate issued by the Head Master. As such, he submits that, without any authenticated document to prove the age of victim, the offences under the provisions of POCSO Act and PCM Act do not attract against the petitioner.

6. Learned High Court Government Pleader opposed the prayer on the ground that, knowing fully aware that the victim was a minor, with the intervention of both the families, they performed the marriage of victim with accused No.1. Hence, he prays to dismiss the petition.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents available on record.

8. As could be gathered from the complaint and charge sheet materials, it is not in dispute that the petitioner allegedly married the victim with the consent of both the families and they were residing cordially after the



marriage. However, respondent No.2 lodged the complaint against the petitioner-accused No.1 as victim is a minor girl. As rightly contended by the learned counsel for the petitioner, in order to prove the age of victim, the prosecution has relied on the School Certificate instead of any authenticated document like birth certificate. Since the victim in this case has not lodged any complaint in respect of the alleged incident, further custodial incarceration of petitioner does not call for.

9. As such, without expressing any opinion on the merits of the case, suffice to hold that the custodial incarceration of the petitioner/accused No.1 does not call for, since the investigation is completed and charge sheet is filed.

10. Accordingly, the petition is ***allowed***.

11. The respondent-police are directed to be released the petitioner/accused No.1 on bail in Spl.Case No.2/2026, arising out of Crime No.132/2025, registered



by Janwada Police Station, Bidar, for the offences punishable under Sections 64(2)(m) of Bharatiya Nyaya Sanhita, 2023, Sections 4, 6 and 17 of Protection of children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, subject to the following conditions:

- a) Petitioner/accused No.1 shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without



permission of the said Court until the case registered against him is disposed off.

- f) The petitioner shall mark his attendance before the Station House Officer, Janwada Police Station, Bidar, on 1st Sunday of every month between 10.00 a.m. and 01.00 p.m. till the case registered against him is disposed off before the Trial Court.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 1 SL NO.: 8
CT-BH