



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200395 OF 2026

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

BETWEEN:

SRI. MAHESH
S/O RAMAPPA BIRADAR
AGED ABOUT 28 YEARS,
OCC: AGRICULTURE,
R/O DEVARGENNUR,
TQ: BABALESHWAR,
DIST: VIJAYAPUR-586170

...PETITIONER

(BY SRI. S. S. MAMADAPUR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH PSI, BABALESHWAR
POLICE STATION, DIST: VIJAYAPUR
BY STATE PUBLIC PROSECUTOR
ADVOCATE GENERAL'S OFFICE
HIGH COURT BUILDING
KALABURAGI-585103
2. LALITA D/O LACHCHAPPA MULAWAD
AGE: 25 YEARS, OCC: FARMER
R/O DEVARGENNUR, TQ: BABALESHWAR
DIST: VIJAYAPUR-586170.

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDIN, HCGP FOR R1;
SRI. VADIRAJ KADLOOR ADV., FOR R2)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS (NEW), PRAYING TO ENLARGE HIM ON BAIL IN BABALESHWAR POLICE STATION, VIJAYPUR CRIME NO. 11/2026 REGISTERED FOR THE OFFENCE PUNISHABLE U/SEC 64(1), 64(2)(m), 189(2), 191(2), 191(3), 115(2), 118(1), 133, 74, 352, 351(2), R/W SECTION 190 OF BNS 2023 PENDING BEFORE THE HONOURABLE II ADDL. CIVIL JUDGE AND JMFC, VIJAYAPURA ON SUCH TERMS AND CONDITIONS AS THIS HONOURABLE COURT DEEMS FIT TO IMPOSE UPON HIM.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner-accused No.1 has filed this petition under Section 483 of BNSS, 2023 for grant of bail, as the accused is in judicial custody in Crime No.11/2026 of Babaleshwar Police Station, Vijayapura District.

2. On the basis of the complaint filed by the complainant, respondent-Babaleshwar Police have registered the case in Crime No.11/2026 against accused Nos.1 to 8 for the offences punishable under Sections



189(2), 191(2), 191(3), 115(2), 118(1), 352, 133, 74, 190 of BNS, 2023.

3. During the course of investigation, the victim produced before the Magistrate to record the statement under Section 183 of BNSS, 2023. During the course of investigation, the Investigating Officer has arrested the petitioner-accused No.1 on 30.01.2026 and he was produced before the Court and he was remanded to judicial custody.

4. After the investigation, the Investigating Officer has submitted the charge-sheet against the accused for the offences punishable under Sections 324(3), 189(2), 191(2), 191(3), 64(1), 64(2)(m), 115(2), 118(1), 133, 74, 351(2), 190 of BNS, 2023. The bail application was filed by petitioner-accused No.1 under Section 483 of BNSS before the III-Addl. Dist. & Sessions Judge, Vijayapura in Crl.Misc.No.182/2026. The same came to be rejected on 02.03.2026. Hence, the petitioner has filed this petition before this Court.



5. Learned counsel for respondent No.2-complainant has filed the statement of objection and prays to dismiss the petition.

6. A perusal of the material placed before this Court, it is crystal clear that the complainant has not stated anything as to the commission of rape in the complaint. On the basis of the complaint, the concerned police have registered the case in Crime No.11/2026 for the offences punishable under Sections 189(2), 191(2), 191(3), 115(2), 118(1), 352, 133, 74, 190 of BNS, 2023. Only after investigation, the Investigating Officer has submitted the charge-sheet against the accused for the offences punishable under Sections 324(3), 189(2), 191(2), 191(3), 64(1), 64(2)(m), 115(2), 118(1), 133, 74, 351(2), 190 of BNS, 2023. Now the investigation is completed and charge-sheet has already been filed, therefore, the accused is not required for further investigation.



7. Considering the delay in making the allegation as to the alleged rape, and nature and gravity of offence, prior antecedents of the petitioner, without expressing any opinion on the merits of the case, I proceed to pass the following:

ORDER

- (1) The petition is **allowed**.
- (2) The petitioner/accused No.1 is directed to be enlarged on bail in Crime No.11/2026 registered by Babeleshwar Police Station, Vijayapura District, subject to the following conditions:
 - a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the likesum, to the satisfaction of the jurisdictional Court;
 - b) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;



- c) Petitioner shall appear before the jurisdictional Court on all the dates of hearing without fail;
- d) Petitioner shall not involve in similar offences in future.

**Sd/-
(G BASAVARAJA)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 10
CT-BH