

**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO.200414 OF 2026

C/W

CRIMINAL PETITION NO.200464 OF 2026

WRIT PETITION NO.201454 OF 2026

IN CRL.P No.200414/2026

BETWEEN:

SRI.MALLIKARJUN MUTTYA
S/O LATE HANAMANT PUJARI,
AGE: 30 YEARS, OCC: PRIEST,
R/O MAHAL ROZA, TQ: SHAHAPUR,
DIST: YADGIR-585323

...PETITIONER

(BY SRI RAVI B. NAIK, SENIOR COUNSEL FOR
SRI B. BHIMASHANKAR;
SRI SHIVANAND V. PATTANASHETTI;
SRI PRADEEPKUMAR AND
SRI UMAKANTH S. K., ADVOCATES)

AND:

1. THE STATE THROUGH GOGI POLICE STATION,
R/BY ADDL. SPP, HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA AT
KALABURAGI-585102.
2. SRI. MALLANNA S/O UMAPATI,
AGE: 41 YEARS, OCC: CDPO SHAHAPUR,
R/O SHAHAPUR,
DIST: YADGIR-585223.

3. SRI. AMAR JAWAHAR KAMALE
S/O JAWAHAR KAMALE,
AGE: 38 YEARS, OCC: AGRI.
4. SMT. RAJASHRI KAMALE
W/O AMAR KAMALE,
AGE: 37 YEARS, OCC: HOUSEHOLD,
R/O SOLAPUR, MAHARASTRA-413001.

(RESPONDENT No.3 AND 4 BEING THE FATHER AND
MOTHER ARE NATURAL GUARDIAN OF THE VICTIM GIRL)

...RESPONDENTS

(BY SRI JAGADEESH B. N., ADDL. SPP FOR R1 AND R2;
SRI GANESH NAIK, ADV. FOR R3 AND R4)

THIS CRL.P IS FILED U/SEC. 528 OF BNSS (NEW),
PRAYING TO QUASH THE FIR AND COMPLAINT REGISTERED IN
CRIME NO.0025/2026 BY THE GOGI POLICE STATION, FOR THE
ALLEGED OFFENCES PUNISHABLE UNDER SECTION 75(2) OF
BNS, 2023 AND SEC. 12 OF POCSO ACT, 2012,
CONSEQUENTLY QUASH ANY FURTHER INVESTIGATION HELD,
PENDING ON THE FILE OF LEARNED DISTRICT AND SESSIONS
JUDGE AT YADGIR.

IN CRL.P No.200464/2026

BETWEEN:

SRI.MALLIKARJUN MUTTYA
S/O LATE HANAMANT PUJARI,
AGE: 30 YEARS, OCC: PRIEST,
R/O MAHAL ROZA, TQ: SHAHAPUR,
DIST: YADGIR-585323.

...PETITIONER

(BY SRI RAVI B. NAIK, SENIOR COUNSEL FOR
SRI B. BHIMASHANKAR AND
SRI PRADEEPAKUMAR, ADVOCATES)

AND:

1. THE STATE THROUGH GOGI POLICE STATION,
R/BY ADDL. SPP, HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA AT
KALABURAGI-585102.
2. SRI. MALLANNA S/O UMAPATI,
AGE: 41 YEARS, OCC: CDPO SHAHAPUR,
R/O SHAHAPUR, DIST: YADGIR-585223.
3. SRI. AMAR JAWAHAR KAMALE
S/O JAWAHAR KAMALE,
AGE: 38 YEARS, OCC: AGRI.
R/O AT POST BHANDARKAVATHE TAL SOUTH SOLAPUR,
BHANDAR KAVADE, SOLAPUR, MAHARASTRA-413221.
4. SMT. RAJASHRI HANAMANT PATIL
W/O AMAR JAWAHAR KAMALE,
AGE: 37 YEARS, OCC: HOUSEHOLD,
R/O BHIKAR SAROL, POALSAP OSMANABAD,
MAHARASTRA-413509.

...RESPONDENTS

(BY SRI JAGADEESH B. N., ADDL. SPP FOR R1 AND R2;
SRI GANESH NAIK, ADV. FOR R3 AND R4)

THIS CRL.P. IS FILED U/SEC. 482 OF BNSS (NEW),
PRAYING TO RELEASE THE ACCUSED/PETITIONER IN THE
EVENT OF HIS ARREST IN CONNECTION WITH THE CRIME
NO.0025/2026 BY THE GOGI POLICE STATION, FOR THE
ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 75(2) OF
BNS, 2023 AND SEC. 12 OF POCSO ACT,2012, PENDING ON
THE FILE OF LEARNED DISTRICT AND SESSIONS JUDGE AT
YADGIR.

IN WP No.201454/2026:

BETWEEN:

SRI.MALLIKARJUN MUTTYA
S/O LATE HANAMANT PUJARI,
AGE: 30 YEARS, OCC: PRIEST,
R/O MAHAL ROZA, TQ: SHAHAPUR,
DIST: YADGIR-585323.

...PETITIONER

(BY SRI RAVI B. NAIK, SENIOR COUNSEL FOR
SRI B. BHIMASHANKAR;
SRI SHIVANAND V. PATTANASHETTI AND
SRI PRADEEPKUMAR, ADVOCATES)

AND:

1. THE STATE THROUGH
GOGI POLICE STATION,
R/BY HCGP,
HIGH COURT OF KARNATAKA,
BENCH KALABURAGI-585102.
2. THE SUPERINTENDENT OF POLICE,
YADAGIR, DISTRICT YADAGIR.
3. THE STATION HOUSE OFFICER
GOGI POLICE STATION, GOGI,
TQ: SHAHAPUR, DIST: YADAGIR.
4. SRI. MALLANNA S/O UMAPATI,
AGE: 41 YEARS,
OCC: CDPO, SHAHAPUR
R/O SHAHAPUR,
DIST: YADGIR-585223.
5. SRI. AMAR JAWAHAR KAMALE
S/O JAWAHAR KAMALE,
AGE: 38 YEARS, OCC: AGRI.,
R/O AT POST BHANDARKAVATHE TAL
SOUTH SOLAPUR,
BHANDAR KAVADE,
SOLAPUR, MAHARASTRA-413221

6. SMT. RAJASHRI HANAMANT PATIL
W/O AMAR JAWAHAR KAMALE,
AGE: 37 YEARS, OCC: HOUSEHOLD,
R/O BHIKAR SAROL,
POALSAP OSMANABAD,
MAHARASTRA-413509.

...RESPONDENTS

(BY SRI JAGADEESH B. N., ADDL. SPP FOR R1 TO R4;
SRI GANESH NAIK, ADV. FOR R5 AND R6)

THIS WRIT PETITION IS FILED U/SEC. ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, R/W SEC. 528 OF BNSS, PRAYING TO ISSUE WRIT OF CERTIORARI AND I) CALL FOR THE RECORDS AND QUASH THE IMPUGNED ORDER, OBSERVATIONS AND DIRECTIONS ISSUED BY THE LEARNED PRL. DIST AND SESSIONS JUDGE AT YADAGIR WHILE PASSING AN ORDER DEALING WITH PRE ARREST BAIL IN CRIMINAL MISC.NO.0089/2026 DTD 09.03.2026 TO INCLUDE THE OFFENCE PUNISHABLE UNDER SECTION 10 OF POCSO ACT, 2012 AND TO INVESTIGATE AND COLLECT CDR OF ACCUSED, HIS CLOSE RELATIVES, FRIENDS AND CLOSE FOLLOWERS TO ENSURE THE ABSENCE OF TUTORING OR TAPERING AND OTHER DIRECTIONS WHICH IS PRODUCED AT ANNEXURE-E. II) ISSUE ANY WRIT ORDER OR DIRECTION AS THE HON'BLE COURT IS PLEASED TO MEET THE ENDS OF JUSTICE IN THE CIRCUMSTANCES OF THE CASE.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.04.2026, COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV ORDER

Criminal Petition No.200414/2026 is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023') seeking the following relief:

"Wherefore, it is most humbly prayed that Hon'ble court may be pleased to quash the FIR and Complaint registered in Crime No.0025/2026 by the Gogi Police Station, for the alleged offences punishable under sections 75(2) of BNS, 2023 and Sec.12 of POCSO Act, 2012, consequently quash any further investigation held, pending on the file of learned District and Sessions Judge at Yadgir, in the interest of justice."

2. The facts in brief as stated in the petition are as under:-

"That on at 08-30 PM, the complainant, Mallanna S/o Umapati, 41 years old, Child Development Scheme Officer, Shahapur, filed a complaint, the gist of which is that Mr. Mallikarjun Muttya aged about 30 to 32 years old, has been found dancing with a girl who came to his math on 19/02/2026, lifting her by the

neck and making her stand on the bed, pinching her nose and holding the child on his lap, videos of which are circulating on social networking sites. As per reference-2, the District Child Protection Officer has immediately sent us the videos and asked us to visit the said math and submit a report. As per reference-3, Mr. Trishul and defacto complainant CDPO, the staff of the District Protection Office, and Mrs. Triveni, the Zonal Supervisor, jointly visited the Math and inquired about the child there, aged 07 years, and the child's father, Mr. Amar Kamble, and mother, Mrs. Rajashri Kamble of Solapur, Maharashtra State. When we inquired about them, they said that for the past 3 years, they have been coming to the Mahalroja Math of Shri Mallikarjuna Mutta in Shahapur Taluk, Yadgir District, Karnataka State, along with their family. Accordingly, on 19/02/2026, father of victim and his wife Mrs. Rajshri and daughter (aged about 07 years and 10 moths) and victim uncle Girish and 7-8 other people came. That day at around 03-38 pm, when we went to meet Mallikarjun Muttya at the Math, victim child 07-year-old went to near Mallikarjun Muttya to had darshan. Muttya hugged our daughter lovingly. Then we asked victim uncle to make a video and take a photo with our Samsung mobile phone. Later, on 20/02/2026, father of victim uploaded it on my Instagram, hoping that it would get a large number of likes. Further the father of victim stated that the

Mallikajun Muttya did not see it in any bad sight. The report of the said visit was given to the District Child Protection Officer, so the District Collector has examined it. As per reference-4, on 25/02/2026, in the District Level Coordination Committee held under the chairmanship of the Deputy Commissioner, the Chief Executive Officers of the District Panchayat, Superintendent of Police, Yadgir, Member Secretary, Legal Services Authority, Yadgir, jointly viewed and verified the videos and obtained the investigation report of the District Child Welfare Committee, Yadgir in relation to the said case and directed to take appropriate action. Accordingly, as per reference-5, when the District Child Welfare Committee called for inquiry and spoke to the parents and the child, the incident occurred when the parents of the said child went to the Matha of Shri Mallikarjun Appaji for the birthday celebration of the child's aunt. It is apparent that the incident that occurred in the said case was intentionally inflicted on a minor child. Therefore, it has been directed to register a case under the POCSO Act against the concerned persons. Therefore, defacto complainant have requested respondent police to register a case against Mr. Mallikarjun Muttya, Mahalroja Taluk Shahapur, who are involved in the case."

3. Further it is stated in the petition that the petitioner had earlier approached this Court by filing a petition in Criminal Petition No.200361/2026, the same has been withdrawn on 03.03.2026, with liberty to approach this Court by filing fresh petition. In the petition, the petitioner has urged the following grounds:

- "1. That petitioner is nothing to do with alleged offence and he has been falsely implicated in the present case with politically influenced pressure and except bald reference, there are no allegations constituting ingredients of neither Section 75(2) of BNS nor Sec. 12 of POCSO.*
- 2. The complaint itself discloses that the alleged incident occurred in the presence of the parents and relatives of the minor child and that the video was recorded by the uncle of the child at their own request. The parents of the child have clearly stated before the competent authorities that the petitioner had affectionately hugged the child and there was no ill-intention or inappropriate conduct on his part. Therefore, the very foundation of the allegation of sexual harassment under the POCSO Act is absent.*
- 3. That, in order to attract the substantive offence (section 11) for which punishment is prescribed under Section 12 of the POCSO Act, there must*

be an act amounting to sexual harassment with sexual intent, which is a mandatory ingredient of the offence. In the present case, neither the complaint nor the material collected during the preliminary inquiry discloses any act done with sexual intent. In the absence of such essential ingredient, continuation of criminal proceedings against the petitioner would amount to gross abuse of the process of law.

- 4. That the material placed on record clearly reveals that the alleged interaction between the petitioner and the minor child was a momentary act of affection. The parents themselves requested that a photograph and video be taken and subsequently uploaded the same on social media on themselves. Thus, the circumstances clearly demonstrate that the act was neither objectionable nor perceived as wrongful by the parents or the child at the relevant point of time.*
- 5. The complaint in question is not lodged by the alleged victim or her parents but by Respondent No.2, a Child Development Project Officer, on a suo motu basis after the video went viral on social media. The FIR has therefore been registered solely on the basis of assumptions and public controversy rather than on any genuine grievance from the child or her parents*

just for statistical purpose to satisfy the higher officials and overcome the political influence.

6. *That during the preliminary inquiry conducted by the Child Development Project Officer (CDPO) and subsequently during the course of investigation by the respondent police, the minor victim as well as her parents, has categorically stated that the alleged incident occurred in their presence and also in the presence of their relatives.*
7. *That parents of the victim further stated that the interaction between the petitioner and the child was purely affectionate in nature and that the petitioner had no ill-intention or mens rea whatsoever at the time of the alleged incident. The parents themselves had requested their relatives to record the video and photograph the moment, and the same was later uploaded on social media by them without perceiving any impropriety.*
8. *That even as on today, the parents of the minor victim as well as the victim herself have not made any allegation against the petitioner till today and they are willing to support the petitioner in resolving the matter. They have expressed their readiness to cooperate with the petitioner and to support appropriate steps for settle the issue in accordance with law, to*

safeguard the better interest of child and further for the welfare of victim. In such circumstances, the continuation of the criminal proceedings would serve no useful purpose and would amount to abuse of the process of law.

9. *That the Hon'ble High Court of Andra Pradesh in reported judgment in **2025 SCC Online AP 539** has compounded the similar offences on compromise between the petitioner and the parents of the victim by referring the judgment of Hon'ble Supreme Court in case of "**Gian Singh V. State of Punjab**".*
10. *That it is a settled principle of law that where the allegations in the FIR do not disclose the commission of any cognizable offence, the High Court is empowered to exercise its inherent jurisdiction to prevent abuse of the process of law and to secure the ends of justice.*
11. *Therefore, the registration of the FIR and the consequent investigation against the petitioner is nothing but a misuse of the criminal process and deserves to be quashed by this Hon'ble Court in the interest of justice."*

On all these grounds, he prays to allow this petition.

4. Learned counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court in the

case of ***M.C. Ravikumar Vs. D.S. Velmurugan and others*** reported in ***2025 SCC OnLine SC 1498***.

5. That on 17.03.2026, the petitioner and respondent Nos.3 and 4 have filed an application in I.A.No.2/2026 under Section 359(2) read with Section 528 of the BNSS, 2023 along with affidavits of Mallikarjun Muttya S/o Late Hanamant Pujari-petitioner, Amar Jawahar Kamale-respondent No.3, the father of the victim to compound the offences and consequently, quash the proceedings initiated in Crime No.25/2026. Another application in I.A.No.3/2026 is filed under Section 359(4)(a) of the BNSS, 2023 to permit respondent Nos.3 and 4, being the parents of the natural guarding of the minor victim to compound the offences on behalf of the minor victim in Crime No.25/2026 of Gogi Police Station, for the offences punishable under Section 75(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS, 2023') and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'). This

application is supported with the affidavit of Rajashri Hanamanth Patil W/o Amar Jawahar Kamale.

6. Learned Additional State Public Prosecutor has filed objections on behalf of the respondent/State to the application filed under Section 359(2) read with Section 528 of the BNSS, 2023 in which it is stated that the application filed by the petitioner and victim's parents is not maintainable either in law or in fact. Therefore, the same is liable to be dismissed in *limine*. It is submitted that the FIR was registered by respondent No.1 based on the complaint filed by respondent No.2. Subsequently, the investigation agency commenced the investigation, which was still ongoing when this Court stayed the proceedings by its order dated 18.03.2026. The parents of the victim are in collusion with the petitioner and are persuading the victim to make a statement in favour of the petitioner. That itself indicates that the victim's parents are not supporting the victim cause in this case. Under the provisions of the POCSO Act, it is mandatory for any person, who has knowledge of the offence to provide

information about the commission of the crime under the above provisions, failing to do so, constitutes an offence under Section 19 of the POCSO Act. In this case, the investigation shows that the alleged video was recorded in the presence of the victim's parents. Although the parents of the victim were present, they did not report the incident. Therefore, they are liable to be regarded as accused in the present case. The offence is punishable not only under the POCSO Act but also under the provisions of the BNS and JJ Act. Insofar as the investigation in respect of Crime No.25/2026 of Gogi Police Station reveals the following:

*"a. On 24-02-2026, it was observed on social media that **Mallikarjun**, s/o Hanamantraya Naikodi, the pontiff (Peethadhipathi) of Sri Yamanurappa Mutya Matha in Mahalroja village, was seen in a room within the Matha premises dancing with a minor girl on a bed, lifting her by the neck, pinching her nose, and kissing her while sitting her on his lap. The PSI of Gogi P.S. traced the girl's parents and summoned them to the station. In their statement, they claimed they had been visiting the Matha for three years and that*

Mallikarjun Mutya had no ill intentions and they had no complaint against him.

- b. On 25-02-2026, the girl who was a victim was brought before the **Child Welfare Committee (CWC)**, Yadgiri, for counselling, and a counselling report was obtained.*
- c. On 25-02-2026 at 08:30 PM, **Sri Mallanna**, s/o Umapathi, Child Development Project Officer (CDPO), Shahapur, filed a complaint. Based on this, a case was registered against Mallikarjun Mutya at Gogi Police Station, Crime No 25/2026, under **Section 75(2) of BNS-2023 and Section 12 of the POCSO Act-2012**.*
- d. On 26-02-2026, the PSI continued the investigation, took a further statement from the CDPO, carried out a spot Mahazar (crime scene inspection), and issued a notice to the accused under **Section 35(3) of BNSS-2023** to appear for investigation.*
- e. On 27-02-2026, CPI Shahapur took over the investigation. The mobile phone containing the viral video was surrendered by the girl's father and seized. Statements from the parents and relatives were recorded, where they stated that during a birthday celebration for the girl's aunt at the Matha, the accused danced with the girl, pinched her nose, and kissed her on the lap.*

- f. On 28-02-2026, the PSI visited the accused's address to serve a notice. As the accused was unavailable, the notice was pasted on his house and also served to his elder brother.*
- g. Smt. Hemavathi WPSI recorded the victim's statement. The girl stated that while celebrating her aunt's birthday at the Matha, the accused danced with her, pinched her nose, and kissed her on the cheek while she was on the bed/lap.*
- h. On 02-03-2026, the victim was produced before the Honourable Court, and her statement was recorded under **Section 183(6) of BNSS-2023**.*
- i. On 03-03-2026, the girl underwent a medical examination at the District Government Hospital, Yadgiri. Further counselling for the girl and her mother was conducted at the Government Girls' Children's Home.*
- j. On 04-03-2026, **two solar CCTV memory cards** found near the scene of the Incident were seized under Mahazar.*
- k. On 05-03-2026, the accused **Mallikarjun (29 years)** appeared for interrogation. His voluntary statement was recorded, and **four mobile phones** used by him were seized. He was subsequently taken for a medical examination at the Taluk Hospital, Shahapur.*

- l. On 09-03-2026, materials collected during the medical examination were seized via Mahazar for expert forensic analysis.*
- m. On 13-03-2026, the mobile phone used to record the viral video was produced by a witness, **Nikhil Biradar (22 years old)**, and was seized under Mahazar.*
- n. During the investigation, it was observed that a video of the victim giving a statement in favour of the accused was recorded and uploaded to social media. It appears that the accused and his associates are **exerting influence over the victim** to alter her statement.”*

7. Further it is submitted that there are material to show that the petitioner has committed the offence under the provisions of the POCSO Act, BNS, 2023 and JJ Act, the same will be incorporated once to this Court vacates the stay granted in this case. Further it is stated as to the decision of the Hon'ble Apex Court in the case of **Right to Privacy of Adolescents, In re**, reported in **(2024) 15 SCC 788** and the provisions of Sections 19 to 21 of the POCSO Act and also the decision of the Hon'ble Supreme Court of India in the case of **Alakh Alok Srivastava Vs.**

Union of India reported in ***(2018) 17 SCC 291***. Further it is stated that case on hand requires investigation to determine, as it appears that the petitioner has a habit of committing this type of crime against the individual in question or others. Therefore, an investigation is the minimum necessary in this case. On all these grounds, prays to dismiss the application.

8. Learned Additional State Public Prosecutor has also filed statement of objections on behalf of the State to the main petition in which it is stated that on the basis of the complaint filed by respondent No.2, respondent No.1/Police have registered the case in Crime No.25/2026 and submitted the FIR to the Court. The present petition is not maintainable either in law or in facts. The present petitioner previously filed another criminal petition challenging the registration of FIR in Criminal Petition No.200361/2026. That petition was dismissed as withdrawn by order dated 03.03.2026. Therefore, the subsequent petition based on the same facts seeking the same relief cannot stand. Hence, the petition is liable to be

dismissed on that ground alone. No new grounds are raised in the present petition and there has been no change in circumstances, since the earlier petition. Therefore, the present petition in this form cannot stand and is liable to be dismissed.

9. Further, it is submitted that the Superintendent of Police, in response to the letter from the Deputy Secretary of the Juvenile Justice Committee, High Court of Karnataka, Bengaluru written by the Deputy Director/Secretary of Juvenile Justice Committee, has responded and has been providing periodic updates regarding the progress of the investigation. The investigation indicates that the present petitioner has influenced the child's parents, and through them, he has influenced the child and he is further attempting to sway the child. Following the widespread dissemination of the video on social media, the petitioner, in consultation with the parents, compelled the child to make a video statement. That the provisions of the POCSO Act have been introduced to address offences against the children

and it is the responsibility of the State to provide protection to the child and ensure that the children are being properly treated and not subjected to abuse, whether physical or sexual. The present case on hand clearly shows that the child has been both physically and sexually abused. Therefore, the present crime must be investigated in accordance with law.

10. Under the POCSO Act, it is mandatory for any person, who has knowledge of the offence to provide information about the commission of crime under the provisions of POSCO, failing to do so, constitutes an offence under Section 19 of the POCSO Act, 2012. In this case, the investigation shows that the alleged video was recorded in the presence of the victim's parents. Although the parents of the victim were present, did not report the incident. Therefore, liable to be regarded as accused in the present case. The offence is punishable not only under the provisions of POCSO but also under the provisions of BNS and JJ Act. It is reiterated in the statement of objections as to the contents of complaint and it is stated that there

are sufficient grounds to proceed against the accused and sought to dismiss the petition.

11. The respondent also produced the copy of the letter addressed by the Deputy Secretary, Juvenile Justice Committee, High Court of Karnataka, Bengaluru to the Principal Secretary, Department of Women and Child Development, the Director, Directorate of Child Protection, the Chairperson, Karnataka State Commission for Protection of Child Rights, the Member Secretary, District Legal Services Authority Yadgir District, District Child Protection Officer and the Superintendent of Police.

12. The Investigation Officer has produced the copy of the FIR pertaining to Crime No.25/2026, further statement of Mallanna, spot panchanama, certificate under Section 63(4) of the Bharatiya Sakshya Adhiniyam (for short, 'BSA') dated 26.02.2026, statements of Kumari Rameshwari, certificate under Section 63(4) of the BSA dated 27.02.2026, statements of Smt. Rajshree, Amar and Vaishali, copy of notice dated 26.02.2026 issued under

Section 35(3) of BNSS, police notice dated 28.02.2026, letter dated 27.02.2026 addressed to the Court, mobile seizure panchanama dated 27.02.2026, certificate under Section 63(4) of the BSA dated 27.02.2026, Aadhar card of Kumari Rameshwari, copy of PF No.22/2026 dated 27.02.2026, counseling report of the victim dated 25.02.2026, copy of notice dated 04.03.2026 issued under Section 35(3) of BNSS, copy of police notice dated 04.03.2026, victim's medical examination report, confessional statement of the accused, mobile seizure panchanama dated 05.03.2026, certificate under Section 63(4) of the BSA dated 05.03.2026, mobile seizure panchanama dated 13.03.2026, certificate under Section 63(4) of the BSA dated 13.03.2026, seizure panchanama of Solar C.C.T.V. memory card, certificate under Section 63(4) of the BSA dated 04.03.2026, statement of victim under Section 183(6) of BNS, counseling report of the victim dated 05.03.2026, accused medical examination report, copy of PF No.25/2026 dated 04.03.2026, copy of PF No.26/2026 dated 05.03.2026, FSL receipt number

dated 12.03.2026, copy of seizure panchanama dated 09.03.2026 and certificate under Section 63(4) of the BSA dated 09.03.2026.

13. The learned counsel appearing on behalf of the petitioner would submit that absolutely there are no materials to proceed against the accused for the alleged commission of offences. The victim or the parents of the victim have not lodged any complaint to the police. Further he has reiterated the grounds urged in the petition and prays to allow the petition as well as the compromise petition filed under Section 359(2) read with Section 528 of BNSS, 2023.

14. To substantiate his arguments, he has relied upon the following decisions:

- 1) *Seelam Prudhvi Raj and Ors vs. State of Andhra Pradesh [2025 SCC Online AP 539];*
- 2) *Vijayalaxmi and Anr vs. The State and Another [Crl.M.P.No.109/2021];*
- 3) *Shiva Chanappa Odala vs. The State of Maharashtra and Anr. [2023 Latest Case Law 1789 Bom dtd 22.02.2023];*

- 4) *Gopal vs. The State of Madhya Pradesh Station and Another* [Misc. Crl.No.38432/2023 dtd 11.10.2023];
- 5) *Vikram Prasad Gaur and Anr. vs. The State NCT of Delhi and Anr.* [Crl.M.C.No.3676/2025 dtd 14.08.2025];
- 6) *Manjunath & Ors. vs. The State of Karnataka* [Crl.P.No.103895/2025 dtd 25.09.2025];
- 7) *State GNCT of Delhi vs. Baljeet Singh* [2019 SCC OnLine Del 9109];
- 8) *State vs. Anil @ Kallu @ Thakur* [Crl.Rev.P.No.1058/2019 dtd 06.11.2019];
- 9) *MRP (Identity Withheld) vs. State (NCT of Delhi)* [(2025)1HCC (Del) 189];
- 10) *State of Haryana and Others vs. Bhajanlal and others* [1992 Supp(1) SCC 335].

15. As against this, learned Additional State Public Prosecutor has reiterated the averments made in the statements of objection and to substantiate his arguments, he relied on the decisions of the Hon'ble Supreme Court in ***State of Haryana and Ors. Vs. Ch.Bhajan Lal and Ors. [1992 AIR 604]*** and prays to dismiss the petition.

In W.P.No.201454/2026:

16. The petitioner has filed this writ petition under Article 226 & 227 of the Constitution of India read Section 528 of BNSS, 2023, seeking following reliefs:

"Hence, the petitioner humbly prays that this Hon'ble Court may be pleased to Issue writ of certiorari and

- I. Call for the records and quash the impugned order, observations and directions issued by the learned Prl. Dist and Session Judge at Yadagir while passing an order dealing with Pre Arrest Bail in Criminal Misc.No.0089/2026 Dtd 09.03.2026 to include the offence punishable under section 10 of POCSO Act 2012 and to investigate and collect CDR of Accused, his close relatives, friends and close followers to ensure the absence of tutoring or tapering and other directions which is produced at Annexure E.*
- II. To issue any writ order or direction as the Hon'ble court is pleased to meet the ends of justice in the circumstances of the case."*

17. The brief facts leading to filing of this writ petition is that, respondent No.1-police have registered a case in Crime No.25/2026 of Gogi Police Station, Dist. Yadgir, for the offences punishable under Sections 75(2) of BNS, 2023 and Section 12 of the POCSO Act, 2012. The petitioner had filed bail application for anticipatory bail on

27.02.2026 in Crl.Misc.No.89/2026 on the file of Prl. Dist. & Sessions Judge, Yadgir. The victim's parents appeared voluntarily and submitted that they have no objection to grant anticipatory bail.

18. The learned Public Prosecutor had filed objections to the said petition, wherein it is stated that, on enquiry by the official of CDPO to the parents of the victim, they stated that 3 years they used to visit math and on 19.02.2016 at about 03:38 p.m. when they were in math, petitioner took their child affectionately in their presence and they recorded the same in their Samsung Mobile and on 20.02.2026 they themselves uploaded in their Instagram to have more likes from the public and petitioner has not touched their daughter with sexual intent.

19. On hearing both sides, bail application came to be rejected on 09.03.2026 and directions are issued while disposing the bail application. That directing the Investigating Officer to investigate and add the offence while dealing with the bail application is beyond the limited

scope of bail applications and beyond jurisdiction and curtails the very constitutional right of the petitioner and his family members, friends, relatives and followers. That no alternative remedy except under Articles 226 and 227 of the Constitution of India, the present writ petition is filed.

20. In the writ petition the petitioner has urged the following grounds:

- (i) *That the Observations and directions made by learned Sessions Court while dealing with a bail application (under Section 438 CRPC/corresponding section 482 of the BNSS) are unsustainable and beyond jurisdiction when it travels beyond the specific issue of granting or refusing bail and amounts an interference with the investigation or prejudice the case.*
- (ii) *That while dealing with a bail application under Section 438 Cr.P.C or 439 CRPC (corresponding sections 482 or 483 BNSS 2023, the Sessions Court exercises a limited jurisdiction confined to the question of grant or refusal of bail. The Court lacks jurisdiction to direct the Investigating Officer to add particular offences or dictate the manner of investigation, as investigation lies exclusively within the domain of the police.*

- (iii) *That the Hon'ble Apex Court and various High Courts have consistently held that a bail court must restrict itself to a prima facie evaluation of the case rather than conducting a "mini-trial" or issuing directives that steer the investigation.*
- (iv) *That the learned session court cannot delve into a detailed or final appreciation of evidence, nor can it conduct a trial or re-weigh conflicting evidence at the bail stage.*
- (v) *That the learned sessions Court should not dictate how the investigation should proceed as there is presumption of innocence is always with the accused until his is proven guilty, making pre-conviction incarceration an exception. Hence such directions are required to be quashed as unsustainable directions. Such directions/order are substantially affecting the rights of the accused.*
- (vi) *That permitting or directing the investigating officer to invoke severe penal provisions without proper examination of material directly impacts the right to personal liberty under Article 21 of the constitution of India 1950.*
- (vii) *That Hon'ble Apex Court in a decision between Prashant Dagajirao Patil V/s Vaibhava@ Sonu Arun Pawar and Anr Etc (Criminal Appeal NO.55-56/2021 (Special Leave Petition (Crl) No.5038-5039/2020)*

held as under " Thus we are of the considered view that the direction of the High Court directing the investigating officer to examine the CCTV footage and to submit a report is not sustainable in the eyes of law and deserves to be set aside".

(viii) That in reported judgment of Hon'ble Apex court i.e. (2020) 15 SCC 251 State Represented by Inspector of Police V/s M Murugesan it is held "Jurisdiction of High Court is limited to grant or refuse bail pending trial and such jurisdiction ends when the bail application is finally decided and hence directing the state to constitute a committee and seek its recommendations on reformation. Rehabilitation and re integration or convicts/accused persons and bet practises for improving the quality of investigation and also obtained district wise data from state and upon submission of final data after reviewing the same, making such date a part of the order after on bail application was held to be beyond jurisdiction.

(ix) That in similar set facts, the Hon'ble High Court of Kerala in WP (Crl.) 1028/2023 Dtd.23.01.2024 was pleased to hold that observations and directions of session court about explore the possibilities of invoking section 16 and 17 of POCOS Act against the accused held the unsustainable and beyond the scope of bail application.

- (x) *That apart while dealing with the bail application, victim parents has submitted hat such an incident was not happened and petition could be granted with bail. Moreover, the complaint itself discloses that the alleged incident occurred in the presence of the parents and relatives of the minor child and that the video was recorded by the relatives of the child at their own request. The parents of the child have clearly stated before the competent authorities that the petitioner had affectionately hugged the child and there was no ill-intention or inappropriate conduct on his part Therefore, the very foundation of the allegation of sexual harassment under the POCSO Act is absent and now the same is made as hyper case by the media only.*
- (xi) *That the material placed on record clearly reveals that the alleged interaction between the petitioner and the minor child was a momentary act of affection during a religious visit to the Math. The parents themselves requested that a photograph and video be taken and subsequently uploaded the same on social media. Thus, the circumstances clearly demonstrate that the act was neither objectionable nor perceived as wrongful by the parents or the child at the relevant point of time.*
- (xii) *The complaint in question is not lodged by the alleged victim or her parents but by a Child Development Project Officer, on a suo motu basis*

after the video went viral on social media. The FIR has therefore been registered solely on the basis of assumptions and public controversy rather than on any genuine grievance from the child or her parents.

(xiii) That during the preliminary inquiry conducted by the Child Development Project Officer (CDPO) and subsequently during the course of investigation by the respondent police, the minor victim as well as her parents, has categorically stated that the alleged incident occurred in their presence and also in the presence of their relatives at the Math.

(xiv) That parents of the victim further stated that the interaction between the petitioner and the child was purely affectionate in nature and that the petitioner had no ill-intention or mens rea whatsoever at the time of the alleged incident. The parents themselves had requested their relatives to record the video and photograph the moment, and the same was later uploaded on social media by them without perceiving any impropriety. Under such circumstances, the learned Session Judge should not have issued any such directions to the investigating authority to add the offences and investigate.

On all these grounds, prays to allow the writ petition.

21. The Learned counsel appearing on behalf of the writ petitioner has reiterated the grounds urged in the writ petition and prays to allow the writ petition.

22. To substantiate his arguments, he has relied on the following decisions:

- 1) *Sangitaben Shaileshbhai Datanta vs. State of Gujarat and Another [(2019) 14 SCC 522];*
- 2) *Prashant Dagajirao Patil vs. Vaibhav @ Sonu Arun Pawar and Anr. etc [Crl.A.No.55-56/2021 DD 19.01.2021]*

23. As against this, learned Additional State Public Prosecutor would submit that there are no grounds to allow the writ petition and prays to dismiss the writ petition.

In Crl.P.No.200464/2026:

24. This petition is filed under Section 482 of BNSS, 2023 for grant of anticipatory bail in the event of his arrest in connection with Crime No.25/2026 by the Gogi Police Station, Dist. Yadgir.

25. The brief facts leading to filing of this petition are that, on the basis of the complaint filed by

Sri.Mallanna, the respondent-Gogi Police have registered a case in Crime No.25/2026 for the offences punishable under Sections 75(2) of BNS, 2023 and Section 12 of the POCSO Act, 2012.

26. The application was filed under Section 482 of BNSS, 2023 before the Prl. Dist. & Sessions Judge, Yadgir in Crl.Misc.No.89/2026. The same came to be rejected on 09.03.2026. Hence, the petitioner has filed this petition for grant of anticipatory bail.

27. Learned counsel appearing on behalf of the petitioner would submit that, the petitioner is nothing to do with the alleged offence and he has been falsely implicated in this case with political influence pressure and except bald reference, there are no allegations constituting ingredients of neither Section 75(2) of BNS, 2023 nor Section 12 of the POCSO Act, 2012. Section 75(2) of BNS, 2023 and Section 12 of the POCSO Act, are non bailable in nature, but not so heinous to punish neither for life nor death, are only punishable upto 3 years.

28. The Trial Court while rejecting the bail application of the petitioner directed the Investigating Officer to include Section 10 of POCSO instead of Section 12 of the POCSO Act. The same is evident from the operative portion of the order. By issuing such a direction, the Trial Court has acted beyond the scope and limited parameters of consideration of bail application, thereby committing a serious error and improperly influencing the course of investigation. The respondent-police are went upon to arrest the petitioner. Hence, the petitioner is reasonably apprehension about his arrest and harassment. Hence, prays to allow the petition.

29. Additionally learned Addl. SPP appearing on behalf of the respondent-State has reiterated the averments made in the statement of objections, which are as under:

30. The petition is not maintainable. The petitioner has suppressed the material facts. On these grounds the petition is liable to be dismissed in limine. The allegations

against the petitioner is serious in nature. The petitioner did not deserve the extraordinary jurisdiction of granting anticipatory bail. Accordingly, the extraordinary jurisdiction of granting anticipatory bail cannot be extended to the petitioner in the present case. Initially the petitioner filed Crl.P.No.200361/2026 challenging the registration of FIR in Crime No.25/2026. However, this Court was not inclined to grant any relief to the petitioner, the petitioner withdrew the petition on 03.02.2026. After withdrawing Crl.P.No.200361/2026, the petitioner filed another Crl.P.No.200414/2026 seeking to quash the proceedings on the grounds that the petitioner and the victim's parents have settled the dispute amicably and the victim's parents are no longer interested in prosecuting the case. On this basis, the petitioner requested to quash the proceedings.

31. It is further stated that, statement of objections filed to the compromise petition. In view of Section 482 of BNSS, 2023, the petitioner must demonstrate a genuine apprehension of arrest by the respondent-police. However

since there is an order of stay on the investigation itself issued by this Court on 17.03.2026, the question of petitioner's apprehension of arrest by the respondent-police does not arise at all. Therefore, the petition filed by the petitioner is premature at this stage. Further it is submitted that investigation into Crime No.25/2026 of Gogi police station reveals that –

- a. On 24-02-2026, it was observed on social media that Mallikarjun, s/o Hanamantraya Naikodi, the pontiff (Peethadhipathi) of Sri Yamanurappa Mutya Matha in Mahalroja village, was seen in a room within the Matha premises dancing with a minor girl on a bed, lifting her by the neck, pinching her nose, and kissing her while sitting her on his lap. The PSI of Gogi P.S. traced the girl's parents and summoned them to the station. In their statement, they claimed they had been visiting the Matha for three years and that Mallikarjun Mutya had no ill Intentions and they had no complaint against him.*
- b. On 25-02-2026, the girl who was a victim was brought before the Child Welfare Committee (CWC), Yadgiri, for counselling, and a counselling report was obtained.*
- c. On 25-02-2026 at 08:30 PM, Sri Mallanna, s/o Umapathi, Child Development Project Officer*

(CDPO), Shahapur, filed a complaint. Based on this, a case was registered against Mallikarjun Mutya at Gogi Police Station, Crime No 25/2026, under Section 75(2) of BNS-2023 and Section 12 of the POCSO Act-2012.

- d. On 26-02-2026, the PSI continued the investigation, took a further statement from the CDPO, carried out a spot Mahazar (crime scene inspection), and issued a notice to the accused under Section 35(3) of BNSS-2023 to appear for investigation.*
- e. On 27-02-2026, CPI Shahapur took over the investigation. The mobile phone containing the viral video was surrendered by the girl's father and seized. Statements from the parents and relatives were recorded, where they stated that during a birthday celebration for the girl's aunt at the Matha, the accused danced with the girl, pinched her nose, and kissed her on the lap.*
- f. On 28-02-2026, the PSI visited the accused's address to serve a notice. As the accused was unavailable, the notice was pasted on his house and also served to his elder brother.*
- g. Smt. Hemavathi WPSI recorded the victim's statement. The girl stated that while celebrating her aunt's birthday at the Matha, the accused danced with her, pinched her nose, and kissed her on the cheek while she was on the bed/lap.*

- h. On 02-03-2026, the victim was produced before the Honourable Court, and her statement was recorded under Section 183(6) of BNSS-2023.*
- i. On 03-03-2026, the girl underwent a medical examination at the District Government Hospital, Yadgiri. Further counselling for the girl and her mother was conducted at the Government Girls' Children's Home.*
- j. On 04-03-2026, two solar CCTV memory cards found near the scene of the incident were seized under Mahazar.*
- k. On 05-03-2026, the accused Mallikarjun (29 years) appeared for interrogation. His voluntary statement was recorded, and four mobile phones used by him were seized. He was subsequently taken for a medical examination at the Taluk Hospital, Shahapur.*
- l. On 09-03-2026, materials collected during the medical examination were seized via Mahazar for expert forensic analysis.*
- m. On 13-03-2026, the mobile phone used to record the viral video was produced by a witness, Nikhil Biradar (22 years old), and was seized under Mahazar.*
- n. During the investigation, it was observed that a video of the victim giving a statement in favour of the accused was recorded and uploaded to social media. It appears that the accused and his*

associates are exerting influence over the victim to alter her statement.

32. It is also submitted that the investigation thus reveals that the petitioner has committed the offence punishable under the provisions of POCSO Act, JJ Act and BNS, 2023. During the course of investigation, it has come to light that the petitioner approached the victim and made a statement on his behalf. The very fact that petitioner approached the victim while the investigation was still ongoing shows that petitioner is capable of misusing his liberty, if granted, and causing obstruction not only to the investigation, but also to the trial. Therefore, the petitioner is not entitled to anticipatory bail as sought for. On all these grounds, prays to dismiss the petition.

33. Having heard the arguments on both sides and on perusal of materials placed before this Court, the following points would arise for consideration:

1. *Whether the petitioner has made out grounds to quash proceedings against him in Crl.P.No.200414/2026?*
2. *Whether I.A.No.2/2026 and I.A.No.3/2026 filed under Section 359(2) read with Section 528 of BNSS, 2023 and under Section 359(4)a of BNSS, 2023 are deserve to be allowed?*
3. *Whether the petitioner has made out a grounds in W.P.No.201454/2026 to quash the order passed by the Prl. Dist. & Sessions Judge, Yadgir in Crl.Misc.No.89/2026 dated 09.03.2026?*
4. *Whether the petitioner in Crl.P.No.200464/2026 has made out grounds to grant anticipatory bail?*
5. *What order?*

34. My findings to the above points are as under:

Point No.1 : In Negative

Point No.2 : In Negative

Point No.3 : Partly Affirmative

Point No.4 : In Affirmative

Point No.5 : As per final order.

35. I have examined the materials placed before this Court.

36. On the basis of the complaint filed by Mallanna s/o Umapati, CDPO Shahapur, Dist. Yadgir, the respondent-Gogi Police have registered a case in Crime No.25/2026 against the accused/petitioner for the offences punishable under Sections 75(2) of BNS, 2023 and Section 12 of the POCSO Act, 2012. In the complaint it is stated as under:

ಸಂ. ಶ್ಲೇಷಣೀಶ್/ಪ್ರದಾ.ಕು/2025-26
ದಿನಾಂಕ:25.02.2026

ಗೆ.
ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ಗೋಗಿ ಪೊಲೀಸ್ ಠಾಣೆ
ಗೋಗಿ ತಾ||ಶಹಾಪುರ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ಮಹಲ್ ರೋಜಾ ತಾಲ್ಲೂಕು ಶಹಾಪುರ
ಇವರ ಮೇಲೆ ಪ್ರಕರಣ ದಾಖಲಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1.ಸಾಮಾಜಿಕ ಜಾಲಾತಾನಗಳಲ್ಲಿ ಹರೆದಾಡುವ ವಿಡಿಯೋಗಳ
ತುನುಕುಗಳು.

2. ಮಾನ್ಯ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾಧಿಕಾರಿಗಳು ಯಾದಗಿರಿ ರವರ
ಮೌಖಿಕ ನಿರ್ದೇಶನ ದಿನಾಂಕ:24.02.2026

3. ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ಮಹಲ್ ರೋಜಾ ಮಠಕ್ಕೆ ಭೇಟಿ
ನೀಡಿ ವಿಚಾರಣೆ ದಿನಾಂಕ:24.02.2026

4. ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಜಿಲ್ಲಾ

ಸಮನ್ವಯ ಸಮಿತಿಯಲ್ಲಿ ನೀಡಿದ ದಿನಾಂಕ 2:25.02.2026

5. ಜಿಲ್ಲಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿ ಯಾದಗಿರಿ ರವರ ವರದಿ

ದಿನಾಂಕ:25.02.2026

**

ಈ ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ(01)ರ ದಿನಾಂಕದಂದು ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ಮಹಲ್‌ರೋಜಾ ವಯಸ್ಸು ಸುಮಾರು 30 ರಿಂದ 32 ಇದ್ದು ಇವರು ದಿನಾಂಕ:19.02.2026ರಂದು ತಮ್ಮ ಮಠಕ್ಕೆ ಬಂದಿದ್ದ ಬಾಲಕಿಯೊಂದಿಗೆ ಡ್ಯಾನ್ಸ್ ಮಾಡಿರುವುದು, ಕುತ್ತಿಗೆ ಹಿಡಿದು ಎತ್ತಿ ಮಂಚದ ಮೇಲೆ ನಿಲ್ಲಿಸುವುದು. ಮೂಗು ಚೆವುಟುವ ಹಾಗೂ ತೊಡೆಯ ಮೇಲೆ ಮಗುವನ್ನು ಕೂಡಿಸಿಕೊಂಡಿರುವ ವಿಡಿಯೋಗಳನ್ನು ಸಾಮಾಜಿಕ ಜಾಲತಾಣದಲ್ಲಿ ಹರಿದಾಡುತ್ತಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತವೆ. ಉಲ್ಲೇಖ(02)ರಂತೆ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾಧಿಕಾರಿಗಳು ತಕ್ಷಣ ವಿಡಿಯೋಗಳನ್ನು ನಮಗೆ ಕಳುಹಿಸಿ ಸದರಿ ಮಠಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ವರದಿ ನೀಡಲು ತಿಳಿಸಿರುತ್ತಾರೆ. ಪ್ರಯುಕ್ತ ಉಲ್ಲೇಖ(03)ರಂತೆ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾಧಿಕಾರಿಗಳ ಕಛೇರಿಯ ಸಿಬ್ಬಂದಿಯಾದ ಶ್ರೀ ಶ್ರೀಶೂಲ ಮತ್ತು ನಾನು ಶ್ರೀ ಮಲ್ಲಣ್ಣ ಶಿಶು ಅಭಿವೃದ್ಧಿ ಯೋಜನಾಧಿಕಾರಿಗಳು ಶಹಾಪೂರ ಹಾಗೂ ವಲಯ ಮೇಲ್ವಿಚಾರಕಿಯಾದ ಶ್ರೀಮತಿ ತ್ರಿವೇಣಿ ಜಂಟಿಯಾಗಿ ಮಠಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ಅಲ್ಲಿರುವ ಮಗು (ವಯಸ್ಸು 07 ವರ್ಷ) ಮತ್ತು ಮಗುವಿನ ತಂದೆಯಾದ ಶ್ರೀ ಅಮರ ಕಂಬ್ಲಿ, ತಾಯಿಯಾದ ಶ್ರೀಮತಿ ರಾಜಶ್ರೀ "ಕಂಬೆ ಸಾ|| ಸೋಲಾಪೂರ ಮಹಾರಾಷ್ಟ್ರ ರಾಜ್ಯ ಇವರನ್ನು ವಿಚಾರಿಸಿದ್ದಾಗ. ಅವರು 03 ವರ್ಷಗಳಿಂದ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಯಾದಗಿರಿ ಜಿಲ್ಲೆಯ ಶಹಾಪೂರ ತಾಲ್ಲೂಕಿನ ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ರವರ ಮಹಲ್ ರೋಜಾ "ಮಠಕ್ಕೆ ಕುಟುಂಬ ಸಮಿತ ಬಂದು ಹೋಗಿ ಮಾಡುತ್ತೇವೆ. ಅದರಂತೆ ದಿನಾಂಕ:19.02.2026ರಂದು ನಾನು ಮತ್ತು ನನ್ನ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ರಾಜಶ್ರೀ ಹಾಗೂ 02 ಹೆಣ್ಣು ಮಕ್ಕಳು (ವಯಸ್ಸು 07 ಮತ್ತು 10 ವರ್ಷ) ಹಾಗೂ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪ ಶ್ರೀ ಗಿರೀಶ ಹಾಗೂ ಇನ್ನೂ 07-08 ಜನರು ಬಂದಿದ್ದೆವು. ಆದಿನ ಮಧ್ಯಾಹ್ನ 03:38 ಸುಮಾರಿಗೆ ನಾವು ಮಠದಲ್ಲಿ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ಇವರಿಗೆ ಭೇಟಿಯಾಗಲು ಹೋದ್ದಾಗ ನಮ್ಮ 07 ವರ್ಷದ ಮಗಳು ಮುತ್ಯಾರವರ ಹತ್ತಿರ ಹೋಗಿ. ದರ್ಶನ ಪಡೆದ್ದಾಗ ಮುತಾರವರು ನಮ್ಮ ಮಗಳಿಗೆ ಪ್ರೀತಿಯಿಂದ ತಮ್ಮ ಹತ್ತಿರ ಕೂಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆಗ ನಾವು ನಮ್ಮ ಸ್ಯಾಮನಂಗ ಮೋಬೈಲ್ ಫೋನ್ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪ ಗಿರೀಶ ಅವರಿಗೆ ವಿಡಿಯೋ ಮಾಡಲು ಮತ್ತು ಫೋಟೋ ತೆಗೆಯಲು ತಿಳಿಸಿರುತ್ತೇವೆ. ನಂತರ ದಿನಾಂಕ:20.02.2026ರಂದು ನನ್ನ ಇನ್ ಸ್ಟಾಗ್ರಾಂನಲ್ಲಿ ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆ ಲೈಕ್ ಸಿಗುವುದೆಂದು ಭಾವಿಸಿ ಅಪಲೋಡ್

ಮಾಡಿರುತ್ತೇನೆ. ಅಲ್ಲಿಕಾರ್ಯ ಮುತ್ಯಾ ರವರು ಯಾವುದೇ ಕೇಟ್ಟ ದೃಷ್ಟಿಹಿಂದ ನೋಡಿರುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಸಿದ್ಧಿಸಿ, ಭೇಟಿಯ ವರದಿಯನ್ನು. ಮಾನ್ಯ, ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾಧಿಕಾರಿಗಳಿಗೆ ನೀಡಿದರಿಂದ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಪರಿಶೀಲಿಸಿರುತ್ತಾರೆ. ಉಲ್ಲೇಖ(04)ರಂತೆ ದಿನಾಂಕ:25.02.2026ರಂದು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು - ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಸಮನ್ವಯ ಸಮಿತಿಯಲ್ಲಿ ಮಾನ್ಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಜಿಲ್ಲಾ ಪಂಚಾಯತ, ಪೊಲೀಸ್ ವರಿಷ್ಠಾಧಿಕಾರಿಗಳು ಯಾದಗಿರಿ, ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರ ಯಾದಗಿರಿ, ಇವರುಗಳ ಜಂಟಿಯಾಗಿ ವಿಡಿಯೋಗಳನ್ನು ವೀಕ್ಷಿಸಿ ಮತ್ತು ಪರಿಶೀಲಿಸಿ, ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿ ಯಾದಗಿರಿ ಇವರ ತನಿಖೆಯ ವರದಿಯನ್ನು ಪಡೆದು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತಾರೆ.

ಅದರಂತೆ ಉಲ್ಲೇಖ(05)ರಂತೆ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯು ವಿಚಾರಣೆಗೆ ಕರೆದು ಪಾಲಕರ ಜೊತೆ ಮತ್ತು ಮಗುವಿನ ಜೊತೆ ಮಾತನಾಡಿದ್ದಾಗ, ಸದರಿ ಮಗುವಿನ ಪಾಲಕರು ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಅಪ್ಪಾಜಿಯವರ ಆಶ್ರಮದಲ್ಲಿ ಮಗುವಿನ ಚಿಕ್ಕಮ್ಮನ ಹುಟ್ಟು ಹಬ್ಬದ ಕಾರ್ಯಕ್ರಮದ ಪ್ರಯುಕ್ತ ಹೋದಾಗ, ಈ ಘಟನೆ ಸಂಭವಿಸಿರುತ್ತದೆ. ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಸಂಭವಿಸಿದ ಘಟನೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಉದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ಅಪ್ರಾಪ್ತ ಮಗುವಿಗೆ ಮುಟ್ಟಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಸಂಬಂಧ ಪಟ್ಟವರ ವಿರುದ್ಧ ಪೊಲೀಸ್ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲಿಸುವಂತೆ ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು ಗೋಗಿ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ವರದಿ ನೀಡಿರುತ್ತಾರೆ. ಅದರಿಂದ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವ ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಮುತ್ಯಾ ಮಹಲ್‌ರೋಜಾ ತಾಲ್ಲೂಕು ಶಹಾಪೂರ ಇವರ ಮೇಲೆ ಪ್ರಕರಣ ದಾಖಲಿಸಲು ತಮ್ಮಲ್ಲಿ ಕೋರಿದೆ.

37. That during the course of investigation, the Investigating Officer has recorded the further statement of Mallanna-CDPO on 26.02.2026 before filing this petition conducted spot panchanama and recorded the statement of witnesses-Kumari.Rameshwari, Smt.Rajashri, Amar, Vaishali and statement of the President of District Children

Welfare Committee, Yadgir and Property Forms submitted to the Magistrate, counseling report submitted by the President District Child Welfare committee, Yadgir and copy of the notice issued to the petitioner under Section 35(3) of BNSS, 2023 dated 04.03.2026, Medico legal examination report of sexual violence, the seizure/recover panchanama, copy of video details, properly seizure memo and certificates filed under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023, CCTV memory card seizure panchanama; with video details and statement of victim recorded under Section 183(6) of BNSS.

38. A perusal of these materials, at this stage, that there are no sufficient grounds to quash the proceedings initiated against the petitioner. Though the parents of the victim have not lodged any complaint to the police, proceedings cannot be quashed on that ground. The alleged commission of offence under the penal provisions, POCSO Act, 2012 are cognizable in nature, and anybody can set the law in motion. Accordingly, after noticing the facts as to the commission of offence, the Child

Development Project Officer has lodged a complaint to the police and in view of the provisions of POCSO Act, it is mandatory for any person who has knowledge of the offence to provide information about the commission of crime under the provisions of POCSO Act, failing to do so, constitute an offence under Section 21 of POCSO Act, 2012.

39. The Investigation Officer has collected materials and produced the same before the Court, which reveals that alleged video was recorded in the presence of victim's parents. The parents of the victim have to protect the rights of the child. The parents of the victim have to take utmost care and protection of the victim child. The parents of the victim have no right to allow the petitioner to lift the neck of the child, pinching her nose and kissing her while sitting her on the lap of the petitioner. The Investigating Officer has seized two solar CCTV memory cards found near the scene of incident. The Investigating Officer has recorded the voluntary statement of the petitioner and seized four mobile phones.

40. The learned Addl. SPP has relied on the decision of the Hon'ble Supreme Court in the case of ***Right to Privacy of Adolescents, In re, (2024) 15 SCC 788***, held as follows:

"37. If a child is residing with a person who has injured, exploited or abused the child or has violated any other law for the time being in force meant for the protection of the child, the said child becomes a child in need of care and protection. Thus, if a child who is a victim of an offence under the POCSO Act is residing with the accused, the child becomes a child in need of care and protection. Even a child who has a parent or guardian and if such parent or guardian is found to be unfit to take care of the child, in such a case, the child is covered by the definition under sub-section (14) of Section 2 of the JJ Act. Therefore, CWC has to exercise the power to provide basic needs and protection to such children in need of care and protection."

41. He has relied on another decision of the Hon'ble Supreme Court in the case of ***M.C.Mehta vs. State of T.N., [(1996) 6 SCC 756]*** has observed as under:

"....."child is the father of man". To enable fathering of a valiant and vibrant man, the child must be groomed well in the formative years of his life. He must receive education, acquire knowledge of man and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with a mission, a man who matters so far as the society is concerned."

42. He has relied on another decision in the case of

Alakh Alok Srivastava v. Union of India, (2018) 17

SCC 291 held as follows:

"10. The Pocso Act has been legislated keeping in view the fundamental concept under Article 15 of the Constitution that empowers the State to make special provisions for children and also Article 39(1) which provides that the State shall in particular direct its policy towards securing that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. The Statement of Objects and Reasons of the Act indicate the focus for reduction of child abuse and protection of children from the offences of sexual assault, sexual harassment and pornography, etc.

11. The relevant part of the Statement of Objects and Reasons of the Pocso Act is extracted below.

"3. The data collected by the National Crime Records Bureau shows that there has been Increase in cases of sexual offences against children. This is corroborated by the "Study on Child Abuse India 2007" conducted by the Ministry of Women and Child Development. Moreover, sexual offences against children are not adequately addressed by the existing laws. A large number of such offences are neither specifically provided for nor are they adequately penalised. The interests of the child, both as a victim as well as a witness, need to be protected. It is felt that offences against children need to be defined explicitly and countered through commensurate penalties as an effective deterrence.

4. It is, therefore, proposed to enact a self-contained comprehensive legislation inter alla to provide for protection of children from the offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well being of the child at every stage of the judicial process incorporating child-friendly procedures for reporting, recording of evidence, investigation and trial of offences and provision for establishment of Special Courts for speedy trial of such offences."

43. In the case on hand, on perusal of the materials placed before this Court, there are *prima facie* materials to proceed against the accused for the alleged commission of offences under the penal provision of POCSO Act, 2012. At this stage, the arguments advanced on behalf of the petitioner cannot be accepted as the investigation is not yet completed.

44. Considering the *prima facie* materials placed by the prosecution and keeping in mind the aforesaid decisions of the Hon'ble Supreme Court, and presumption of culpable mental state defined under Section 30 of POCSO Act, 2012, at this stage, it is not a fit case to exercise the inherent power under Section 528 of the

BNSS, 2023 and also the guidelines issued by the Hon'ble Supreme Court in the case of ***State of Haryana and Ors. vs Bhajan Lal and ors. [1992 AIR 604]*** at this stage, it is not just and proper to exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of Cr.P.C to quash the proceedings. Accordingly, I answer point No.1 in the Negative.

Point No.2:

45. The petitioner and respondent Nos.3 and 4 filed applications under Section 359 (2) read with Section 528 of BNSS, 2023, supported with the affidavit of the petitioner and the father of the victim Amar Kamble.

46. In the affidavit the petitioner has stated that, the alleged incident took place when the parents of the minor child had visited along with their family members and relatives. During the said visit, the minor child approached the petitioner for blessings and he affectionately interacted with the child in the presence of her parents and relatives. The photographs and videos

were recorded by the uncle of the child at the request of parents and same were later uploaded on social media by him, he had no ill intention, mens rea or sexual intent whatsoever while interacting with the child and the act was purely affectionate in nature. The minor child has categorically stated that they have no grievance or complaint against the petitioner and the incident occurred in their presence and the petitioner has amicably resolved the issue and the parents have expressed that they have no objection if the criminal proceedings are quashed. On all these grounds, prays to allow the petition.

47. In the affidavit of Amar Jawahar Kamale, the father of the victim has stated that they have visited the Math of the petitioner on 19.02.2026 along with their family members and their two daughters. During their visit one younger daughter approached the petitioner for blessings and the petitioner affectionately interacted with the child in their presence. The photographs and video of the said moment were recorded at their own request by their relatives using their mobile phone. Thereafter, the

video was uploaded by them on social media without perceiving anything objectionable in the interaction. They have given statements in preliminary enquiry about the incident is purely affectionately interacted. The interaction between the petitioner and their daughter was purely affectionate in nature similar to the manner elders bless children. Petitioner had no ill intention or improper conduct towards their daughter and the incident occurred entirely in their presence. They have no complaint or grievance whatsoever against the petitioner and the continuation of the criminal proceedings could unnecessarily disturb the peace of their family and may also affect the emotional welfare and privacy of the minor child and they have no objection to quash the proceedings.

48. The alleged commission of offence under the penal provision of POCSO Act are non compoundable in nature. The alleged commission of offence under Section 75(2) of BNS, 2023 does not come under the provisions of 359(1) and (2) of BNSS, 2023.

49. The investigation is not yet completed. The prosecution has seriously objected to the compromise petition. The petitioner has committed the offence under the provisions of POCSO Act, JJ Act and BNS. It is also stated that the appropriate sections will be incorporated. Once this Court has vacated the stay granted in this case, considering the nature and gravity of offences, and keeping in mind the child rights, I am of the opinion that it is not just and proper to allow this petition to compound the alleged offences.

50. With regard to I.A.No.3/2026 filed under Section 359(4)a of BNSS, 2023, is concerned, since the offence is not compoundable in nature, the question of permitting the respondent Nos.3 and 4 the parents of the victim to compound the offence on behalf of minor child does not arise.

51. I have carefully gone through the decisions relied on by the learned counsel for the petitioner that the facts and circumstances of this case are not in consonance

with the facts of the decisions relied on by the learned counsel for the petitioner. Hence, I am of the considered view that at this stage, it is not just and proper to exercise the jurisdiction under Section 528 of BNSS to compound the offence in a crime stage. Hence, on the basis of the these decisions relied by the learned counsel for the petitioner, the proceedings cannot be quashed. Accordingly, I answer point No.2 in the Negative.

Point No.3:

52. The petitioner has filed this writ petition in W.P.No.201454/2026 to quash the impugned order, observations and directions issued by the Prl. Dist. & Sessions Judge, Yadgir while passing the order pre-arrest bail in Crl.Misc.No.89/2026 dated 09.03.2026 to include the offence punishable under Section 10 of POCSO Act, 2012.

53. The petitioner had filed petition before the Prl. Dist. & Sessions Judge, Yadgir in Crl.Misc.No.89/2026. The

Sessions Judge has dismissed the petition and made the following observations:

"The petition filed by the petitioner/accused under Section 482 of BNSS., is hereby rejected.

The court further directed that:

The investigating officer shall investigate this case in accordance with Standard Operating procedure (SOP) of Central Government published in the official website of Ministry of Home Affairs.

The Superintendent of Police shall constitute a group of investigators with specialized knowledge and experienced in investigating the cases of this in nature along with nominating one among them as chief investigator in accordance with Standard Operating Procedure (SOP) of Ministry of Home Affairs.

The Investigating officer shall include Sec.10 of POCSO Act instead of 12 of the Act in this case against the accused.

The Investigating officer shall comply the statutory requirements U/sec.23, 24 (3), 27 & 39 of POCSO Act.

The Investigating officer shall collect electronic evidence in primary form at the earliest so as to ensure its genuinity and absence of tampering in any way by any interested person.

The investigating officer shall hold counseling of victim, her parents and relatives with the assistance of an expert psychiatrist to ensure absence of tampering or tutoring.

To ensure absence of identification of victim, her relatives in any way through out the investigation.

To investigate and collect CDR of accused, his close relatives, friends and close followers to ensure absence of tutoring or tampering."

54. At this stage, it is relevant to mention as to the provisions of Section 33 of Chapter VIII of POCSO Act, 2012, which reads as under:

"33. Procedure and powers of Special Court.—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial: Provided that for reasons to be

recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974) for trial before a Court of Session."

55. A perusal of the impugned order passed by the Prl. Dist. & Sessions Judge, Yadgir, I do not find any legal or factual error in directing the Investigation Officer to investigate the case in accordance with the standard operating procedure of the Central Government published in the official website of Ministry of Home Affairs and compliance of statutory requirements under Sections 23, 24(3), 27 and 39 of POCSO Act and other directions

except to include the offence under Section 10 of POCSO Act instead of Section 12 of POCSO Act.

56. With regard to the direction issued to include the offence under Section 10 of POCSO Act, instead of Section 12 of the POCSO Act, is concerned, the Special Court ought not to have issued this direction as the investigation is not yet completed.

57. During the course of investigation or after completion of investigation, the Investigating Officer can insert appropriate provision of POCSO Act or other penal provisions of BNS or other Acts. At this stage, the Trial Court cannot interfere with the investigation and direct the Investigating Officer to insert offence under Section 10 of the POCSO Act. To that extent, the petitioner has made out grounds to allow this petition.

58. With regard to rest of the directions are concerned, the Special Court can exercise the power under the provisions of Section 33 of Chapter VIII of POCSO Act, SOP issued by the Central Government published in the

official website of Ministry of Home Affairs. Accordingly, I answer point No.3 partly Affirmative.

Point No.4:

59. The petitioner has filed Crl.P.No.200464/2026 under Section 482 of BNSS, 2023, for grant of anticipatory bail in the event of his arrest in Crime No.25/2026 of Gogi Police Station.

60. It is relevant to mention as to the provisions of Section 482 of BNSS, which are as under:

"482. Direction for grant of bail to person apprehending arrest.

(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any

person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).

(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023."

61. In the case on hand, the Investigating Officer has issued the notice under Section 35(3) of BNSS on 26.02.2026 and 28.02.2026. The accused has appeared before the Investigating Officer and Investigating Officer has recorded the voluntary statement of the accused on

05.03.2026. The same is also produced before the Court. The Investigating Officer has also recorded the further statement of witnesses Rameshwari, Smt.Rajashri, Amar, Vaishali and conducted seizure mahanzar, spot mahazar and seized properties Solar CCTV memory card and other properties and incerted PF 25/26 and 25/26. The Investigating Officer has produced the victim before the Magistrate and recorded the statement under Section 183(6) of BNSS and in the statement of objections itself it is stated that, there is no apprehension of arrest.

62. Though the petitioner has appeared before the Investigating Officer after receiving the notice under Section 35(3), the Investigating Officer has not arrested him. The Investigating Officer has already interrogated the petitioner. Accordingly, the petitioner has complied the provisions of sub-section 4 of Section 35 of BNSS, 2023.

63. In view of Section 35(5) of BNSS where the person complies and continues to comply with the notice, he shall not be arrested in respect of offence referred to in

the notice unless, for the reasons to be recorded, the Police Officer is of the opinion that he ought to be arrested. If a person fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may subject to such orders as may be passed by the competent Court in this way of arrest him for the offence mentioned in the notice.

64. The alleged commission of offence under Section 12 of the POCSO Act, is punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine. The alleged offence under Section 75(2) of BNS, 2023 is punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

65. Considering the nature and gravity of offences, previous antecedents of the petitioner, it is just and proper to exercise the power conferred under Section 482 of BNSS, 2023. Accordingly, I answer point No.4 in the Affirmative.

Point No.5:

66. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

- 1) Crl.P.No.200414/2026 filed under Section 528 of BNSS, 2023 is ***dismissed.***
- 2) The application in I.A.No.2/2026 under Section 359(2) read with Section 528 of BNSS, 2023 and application in I.A.No.3/2026 under Section 359(4)a of BNSS, 2023 are ***dismissed.***
- 3) W.P.No.201454/2026 filed under Article 226 and 227 of Constitution of India read with Section 528 of BNSS, 2023 is ***partly allowed.***
- 4) The directions issued by the Prl. Dist. & Sessions Judge, Yadgir in Crl.Misc.No.89/2026 with regard to directions issued to the Investigating

Officer to include Section 10 of the POCSO Act, instead of Section 12 of POCSO Act, against the accused is hereby **quashed**.

- 5) The Writ petition is **dismissed** in respect of rest of the directions issued by the Special Court (POCSO) in Cril.Misc.No.89/2026 dated 09.03.2026.
- 6) Crl.P.No.200464/2026 filed under Section 482 of BNSS, 2023 for grant of anticipatory bail is **allowed** with following conditions:
 - a) The petitioner shall be released on bail on his executing a self bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Investigating Officer in event of his arrest in Crime No.25/2026 of Gogi police station;

- b) The petitioner shall make himself available for interrogation by a police officer as and when required;
- c) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- d) The petitioner shall not leave India without the previous permission of the concerned Special Court.

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