



N THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200489 OF 2026

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

BETWEEN:

SHIVAMURTHY S/O HANUMAPPA
@ HANUMANTHAPPA, AGE: 24 YEARS
OCC: STUDENT, R/O DESAI BHOGAPUR
VILLAGE, TQ: MASKI
DIST: RAICHUR-584124

...PETITIONER

(BY SRI. SHIVANAND V. PATTANSHETTI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH, SHO,
MASKI POLICE STATION
DIST: RAICHUR-584124
R/BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107

2. SMT. DOULBI @ DAVALBI
W/O RAHEMAN SAB
AGE: 38 YEARS, OCC: HOUSEHOLD
R/O TALEKAN, TQ: MASKI
DIST: RAICHUR-584124

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI. GANESH NAIK, ADV., FOR R2)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONER/SOLE ACCUSED IN SPL.C.NO.5006/2026 (MASKI PS CRIME NO.135/2025 DISTRICT RAICHUR) PENDING ON THE FILE OF III ADDL. DISTRICT AND SESSIONS JUDGE, RAICHUR, SITTING AT SINDHANUR AND SPECIAL JUDGE FOR TRIAL OF THE CASES UNDER POCSO ACT FOR THE OFFENCES PUNISHABLE U/SECS. 137(2) AND 64 OF BNS-2023 AND SEC.4 AND 6 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

The petitioner, who is the accused in Special Case No.5006/2026, has filed this petition under Section 483 of BNSS, 2023 for grant of bail, as the accused is in judicial custody.

2. I have heard the arguments on both sides.

3. Respondent No.2 counsel and respondent No.2 have submitted that they have no objection to the grant of bail, as the matter is settled between them.

4. I have examined the materials placed before this Court. On the basis of the complaint filed by



respondent No.2, Muski Police have registered the case in Crime No.135/2025 for the offence under Section 137(2) of BNS, 2023 against unknown accused.

5. During the course of investigation, the IO arrested the accused on 05.11.2025 and produced him before the Court, and the Court remanded the accused to judicial custody. After investigation, the IO submitted the chargesheet against the accused for the commission of offences under Sections 137(2) and 64 of BNS, 2023 and Sections 4 and 6 of the POCSO Act, 2012. A bail application was filed before the trial Court in Crl.Misc.No.5055/2026, which came to be dismissed on 26.02.2026; hence, the petitioner has filed this petition.

6. The learned counsel appearing on behalf of the petitioner would submit that there are absolutely no materials to proceed against the petitioner. The learned magistrate has recorded the statement of the victim under Section 183 of BNSS, 2023, in which the victim has clearly stated that the accused has not committed any offence.



The IO has not produced the birth certificate of the victim as required under Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The IO and Medical Officer have also not complied with the mandatory provisions of Section 34 of the POCSO Act and Section 184 of BNSS, 2023 (Section 164A of Cr.P.C.). A perusal of the Statement under Section 183 of BNSS, 2023 of the victim shows that she has clearly deposed that the accused have not committed any offence, that they were loving each other, and that she voluntarily left the house and went to Huligemma temple at Hospete. The accused is not required for further investigation, as the investigation has already been completed, without expressing any opinion on the merits of the case. Considering the facts and circumstances of the case, I am of the considered opinion that it is just and proper to allow this petition. Hence, I proceed to pass the following:

ORDER

- I. The petition is ***allowed***.



II. The petitioner/accused is directed to be enlarged on bail in Crime No.135/2025, registered by Maski Police, for the offences punishable under Sections 137(2) and 64 of BNS, 2023 and Section 4 and 6 of the POCSO Act, 2012, subject to the following conditions:

- (a) Petitioner/accused shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the likesum, to the satisfaction of the trial Court (in Spl.C.No.5006/2026);
- (b) The petitioner/accused shall appear regularly on all the dates of hearing before the trial Court;
- (c) The petitioner/accused shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- (d) The petitioner/accused shall not indulge in similar offences in future.

Sd/-
(G BASAVARAJA)
JUDGE

TIN
List No.: 1 Sl No.: 17
CT-BH