



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

CRIMINAL PETITION NO. 200512 OF 2026

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

BETWEEN:

1. SRI RUDRAPPA
R/O BHIMANNA MELGIRI
AGE 20 YEARS OCC STUDENT
R/O GAJARKOTE VILLAGE
TQ. GURMITKAL DIST YADAGIR 585214

...PETITIONER

(BY SRI. PRADEEP KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH GURMITKAL POLICE STATION
R/BY ADDL. SPP HIGH COURT OF KARNATAKA,
KALABURGI BENCH TQ AND DIST KALABURAGI
585102
2. HANAMANTH S/O BHEEMANNA KOREBAN
AGE 45 YEARS OCC AGRICULTURE,
R/O GAJARKOTE VILLAGE
TQ. GURMIKTAL DIST YADGIR 585214

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP)





THIS CRL.P. FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND RELEASE THE PETITIONER ON BAIL IN CRIME NO.11/2026 REGISTERED BY GURUMITKAL POLICE STATION FOR THE OFFENCE PUNISHABLE U/SEC 13792), 352, 35193), R/W SEC 395) OF SEC 64(2) (M) OF BNS AND SEC 6 OF THE POCSO PENDING BEFORE THE COURT OF PRL DISTRICT AND SESSIONS JUDGE AT YADGIR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

Heard Sri. Pradeep Kumar, learned counsel appearing for the petitioner and Sri. Jamadar Shahabuddin, learned High Court Government Pleader for the respondent-State and Sri.B.S.Nasi, learned counsel for respondent No.2.

2. Learned counsel Sri. Pradeep Kumar, submits that the averments made in the complaint are that the petitioner kidnapped the victim and when the complainant



and his relatives had been to residence of petitioner to enquire with his parents, the complainant and other their relatives were abused in filthy language by the parents of the petitioner and even the parents of the petitioner tried to assault them. Accordingly, after consulting with the family members, the complainant registered a case against the petitioner herein for the offences punishable under Sections 137(2), 352, 351(3), 3(5) of Bharatiya Nyaya Sanhita (for short, 'BNS, 2023'). The respondent-police having registered the case issued FIR in Crime No.11/2026 of Gurumitkal Police Station, Yadgir district.

3. He further submits that, the victim immediately after coming to the native was taken to the police station but not given any statement before the police. However, after two days with possible tutoring she was made to give statement. Even averments stated in the statement of victim shows that, they are in love affair since 8 years and the case is of love affair between the petitioner and the victim and the petitioner was not aware of the age of the



victim. Even the document produced regarding age proof is not the birth certificate, but the certificate issued by the Government High School dated 24.03.2026 stating that the victim was 17 years 7 months as on the date of the incident. As such, the allegations made in the complaint are all false and out of vengeance. He further submits that statement of the victim recorded under Section 164 of Cr.PC goes against the prosecution so also the FSL report.

4. In support of his arguments, learned counsel relied on the decision of the Co-ordinate Bench of this Court in Crl.P.No.100796/2016 dated 23.08.2016 in the case of ***Ramu vs State of Karnataka***, wherein on similar set of facts this Court admitted the petitioner therein on bail. Hence, the petitioner may be admitted on bail and prays to allow the petition.

5. Sri. B.S.Nasi, learned counsel appearing for respondent No.2 argued in consonance with the objections statement filed today and sought to dismiss the petition.



6. Learned High Court Government Pleader supported the contention of learned counsel for respondent No.2 and sought to dismiss the petition.

7. Having considered the rival submission, perused the records submitted with the petition as well as made available by learned HCGP. The statement of the victim, under Section 164 of Cr.PC clearly shows that the victim admitted that there is love affair since 8 years and she eloped along with the petitioner to Hyderabad and stayed there for 3 days. Further victim girl clearly stated that she is desiring to marry him and they had physical contact on free volition and there was no force used by the petitioner against her.

8. Further, a perusal of the FSL report indicate that the specimen sent at serial No.1 to 8 were all negatively opined.

9. The statement of victim under Section 183 of BNSS, 2023 reads as under:



NC: 2026:KHC-K:3849
CRL.P No. 200512 of 2026

“ಇಪ್ರಧಾನ ಸಿವಿಲ್ ಮತ್ತು ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಕ ದಂಡಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯ,
ಯಾದಗಿರಿ

ಕ್ರಿ.ಖ.ನಂ:243/2026

ಗುರುಮಠಕಲ್ ಪೋಲಿಸ್ ಠಾಣೆ ಗುನ್ನೆ ನಂ.11/2026

ಸಾಕ್ಷಿಗಳ ಪ್ರಮಾಣ ವಚನ ಬೋಧಿಸಲಾಯಿತು.

ಸಾಕ್ಷಿಯ ಹೆಸರು	ಕುಮಾರಿ ಅನಿತಾ	ದಿ: 07.02.2026
ತಂದೆಯ ಹೆಸರು	ಹಣಮಂತ ಕೊರಬನ್	
ವಯಸ್ಸು	17 ವರ್ಷ	
ಉದ್ಯೋಗ	ವಿದ್ಯಾರ್ಥಿ	
ವಾಸ ಸ್ಥಳ	ಗಾಜರಕೋಟ ಗ್ರಾಮ	

ಭಾರತೀಯ ನಾಗರಿಕ ಸುರಕ್ಷ ಸಂಹಿತೆ ಕಲಂ 183ರ ಅಡಿಯಲ್ಲಿ ನೊಂದ ಬಾಲಕಿಯ
ಪ್ರಮಾಣೀಕೃತ ಹೇಳಿಕೆ

ಪ್ರಶ್ನೆ 1 : ನಿಮಗೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಾಕ್ಷ್ಯ ನುಡಿಯಲು ಯಾರದರೂ ಪ್ರಭಾವ
ಪಡಿಸಿರುತ್ತಾರೆಯೇ?

ಉತ್ತರ : ಇಲ್ಲ.

ಪ್ರಶ್ನೆ 2 : ಪೋಲಿಸ್ ಅಧಿಕಾರಿಗಳು ನಿಮ್ಮ ಮೇಲೆ ಪ್ರಭಾವ ಜಾಲಿದ್ದಾರಾ?

ಉತ್ತರ : ಇಲ್ಲ.

ಪ್ರಶ್ನೆ 3 : ನೀವು ಸಾಕ್ಷಿಯನ್ನು ಇಚ್ಛಾಪೂರ್ವಕವಾಗಿ ನುಡಿಯುತ್ತಿದ್ದೀರಾ?

ಉತ್ತರ : ಹೌದು.

ನಾನು ಗಾಜರಕೋಟ ಗ್ರಾಮದಲ್ಲಿ ನನ್ನ ತಂದೆ-ತಾಯಿ, ಅಜ್ಜ-ಅಜ್ಜಿ, ಚಿಕ್ಕಮ್ಮ ಹಾಗೂ ಅಣ್ಣ, ತಮ್ಮ ಮತ್ತು ತಂಗಿಯೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದೇನೆ. ನಾನು ಹಾಜರಕೋಟ ಸರಕಾರಿ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜಿನಲ್ಲಿ ದ್ವಿತೀಯ ಪಿ.ಯು.ಸಿ. ನಲ್ಲಿ ಓದುತ್ತಿದ್ದೇನೆ. ನಾನು ದಿನಾಂಕ 31.01.2026 ರಂದು ನಮ್ಮ ಮನೆ ಪಕ್ಕದವರಾದ ರುದ್ರಪ್ಪ ತಂದೆ ಭೀಮಣ್ಣ ಮೇಲಗಿರಿ ಎಂಬಾತನೊಂದಿಗೆ ಹೇದ್ರಾಬಾದ್ ಗೆ ಹೋಗಿದ್ದೆನು. ನಾನು ಹಾಗೂ ಸದರಿ ರುದ್ರಪ್ಪ ಹೈದ್ರಾಬಾದಿನ ಆತನ ಸಂಬಂಧಿಕರ ಮನೆಯಲ್ಲಿ ಮೂರು ದಿನಗಳ ಕಾಲ ವಾಸವಾಗಿದ್ದೆವು. ಸದರಿ ಸಂಬಂಧಿಕರ ಹೆಸರು ನನಗೆ ತೊತ್ತಿಲ್ಲ. ನಂತರ ನನ್ನ ತಂದೆ-ತಾಯಿ ದೂರು ದಾಖಲಿಸಿರುವುದಾಗಿ ರುದ್ರಪ್ಪನಿಗೆ ಮಾಹಿತಿ ಬಂದಿರುತ್ತದೆ. ಅದರಿಂದ ಆತ ನನ್ನನ್ನು ದಿನಾಂಕ 03.02.2026 ರಂದು ಹೈದ್ರಾಬಾದಿನಿಂದ ಕರೆದುಕೊಂಡು ಬಂದು ಗುರುಮಠಕಲ್ ನಲ್ಲಿ ಜಘ್ನು ಹೊತ್ತಿದ್ದನು. ನಾನು ಆಗ ಗುರುಮಠಕಲ್ ಪೋಲಿಸ್ ಠಾಣೆಗೆ ಹೋಗಿದ್ದೆನು. ನಾನು ರುದ್ರಪ್ಪನನ್ನು ಪ್ರೀತಿಸುತ್ತಿದ್ದು ಆತನನ್ನು ಮದುವೆ ಆಗಬೇಕೆಂದುಕೊಂಡಿದ್ದೇನೆ. ನಾನು ರುದ್ರಪ್ಪನೊಂದಿಗೆ ಹೈದ್ರಾಬಾದಿನಲ್ಲಿ ಆತನ ಸಂಬಂಧಿಕರ ಮನೆಯಲ್ಲಿದ್ದಾಗ ನಾವುಗಳ ಒಂದೇ ಕೋಣೆಯಲ್ಲಿ ಮಲಗಿದ್ದೆವು ಹಾಗೂ ನಾವು ಎರಡು ದಿನ ಲೈಂಗಿಕ ಸಂಪರ್ಕ ಹೊಂದಿದ್ದೆವು. ನಾನು ನನ್ನ ಇಚ್ಛೆಯಿಂದ ಆತನೊಂದಿಗೆ ಲೈಂಗಿಕ ಸಂಪರ್ಕ ಹೊಂದಿದ್ದೆನು. ಆತನ ನನ್ನ ಮೇಲೆ ಯಾವುದೇ ಲೀತಿ ಬಲತ್ಕಾರ ಮಾಡಿರುವುದಿಲ್ಲ.

(ನ್ಯಾಯಾಧೀಶರ ಕೊಠಡಿಯಲ್ಲಿ ಸಮಯ 04.40 ಪಿ.ಎಂ. ರಿಂದ 04.50 ಪಿ.ಎಂ ವರೆಗೆ ನೊಂದ ಬಾಲಕಿಯ ತಾಯಿ ಶ್ರೀಮತಿ ನಿಂಗಮ್ಮ ಗಂಡ ಹಣಮಂತ ರವರ ಸಮಕ್ಷಮ ನನ್ನ ಉತ್ತರ ಲೇಖನದ ಮೇಲಿಗೆ ಗಣಕಯಂತ್ರದಿಂದ ಬೆರಳಚ್ಚು ಮಾಡಲಾಗಿದೆ)

ಓ. ಹೆ. ಕೆ. ಸಲ ಇದೆ.

(ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು
ಪ್ರ.ದ.ನ್ಯಾಯ.ಗಂ.ಗಳು, ಯಾದಗಿರಿ.



10. In view of the documents i.e. the FSL report as well as the 164 statement, without expressing anything on merits, the petitioner deserves to be admitted to regular bail. Hence, I proceed to pass the following:

ORDER

The petition is ***allowed***.

The petitioner is directed to be enlarged on bail in Crime No.0011/26 of Gurmitkal Police Station, registered for the offences punishable under Sections 137(2), 352, 351(3) R/w Sec.3(5) and Sec.64(2)(m) of BNS and Sec.6 of the POCSO, pending before the Court of Prl. District and Sessins Judge at Yadagir, subject to the following conditions:

- a) The petitioner shall execute a personal bond for a sum of Rs.50,000/- with one surety 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.

Sd/-
(T.M.NADAF)
JUDGE

SDU,SMP
LIST NO.: 1 SL NO.: 9
Ct;vk