



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO.200526 OF 2026

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

BETWEEN:

SHIVAPPA S/O NAGAPPA HUBBALLI,
AGE: 22 YEARS, OCC: COOLIE,
R/O BANDEBHAVI VILLAGE,
TQ: LINGASUGUR,
DIST: RAICHUR-584125.

...PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH HUTTI POLICE STATION,
LINGASUGUR SUB-DIVISION CIRCLE,
DIST: RAICHUR-584123,
REP. BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.
2. SMT. HANAMAVVA W/O KARIYAPPA MUDDI,
AGE: 43 YEARS, OCC: LABOURER,
R/O HITNAL VILLAGE,
TQ: AND DIST: KOPPAL-583231,
PRESENTLY RESIDING AT
NAGALAPUR VILLAGE
TQ: LINGASUGUR, DIST: RAICHUR-584125

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI SHARANAGOUDA V. PATIL, ADV. FOR R2)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION, THEREBY ENLARGE THE PETITIONER/SOLE ACCUSED ON BAIL IN CRIME NO.209/2025 REGISTERED BY HUTTI POLICE STATION, DISTRICT RAICHUR CHARGE SHEETED FOR THE OFFENCES PUNISHABLE U/SEC.64(2)(M) OF BNS 2023, SEC.6 OF THE POCSO ACT AND U/SEC.9 OF PROHIBITION OF CHILD MARRIAGE ACT, 2006 PENDING ON THE FILE III ADDL. DISTRICT AND SESSIONS JUDGE RAICHUR, SITTING AT SINDHANUR AND SPECIAL JUDGE FOR TRIAL OF THE CASES UNDER POCSO ACT.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

Heard learned counsel for the petitioner, learned counsel for respondent No.2 and learned High Court Government Pleader appearing for respondent No.1/State.

2. The petitioner has filed this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023') for grant of bail in Crime No.209/2025 of Hutti Police Station, for the offence punishable under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, Section 6 of the Protection of Children from



Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006, pending on the file of the III Additional District and Sessions Judge, Raichur, Sitting at Sindhanur and Special Judge for Trial of the Cases under POCSO Act.

3. On the basis of the complaint filed by Kumari Renukamma, Hutti Police have registered the case in Crime No.209/2025 for the aforesaid offences. The accused was arrested on 19.02.2025, produced before the Court and remanded to judicial custody.

4. The bail application filed by the petitioner in Criminal Miscellaneous No.5019/2026 before the III Additional District and Sessions Judge, Raichur, Sitting at Sindhanur and Special Judge for Trial of the Cases under POCSO Act, came to be rejected on 13.02.2026. Hence, the petitioner has filed this petition for grant of bail.

5. Respondent No.2 appeared through his counsel and he submits that he has no objection to grant bail. The



same submission was made before the Trial Court in Criminal Miscellaneous No.5019/2026. The chargesheet has now been filed against the accused for the aforesaid offences. In the statement of the victim recorded under Section 183 of the BNSS, 2023, she has stated as follows:

“ನಾನು 1 ವರೆ ವರ್ಷದ ಹಿಂದೆ ಶಿವಪ್ಪ ಎನ್ನುವವರನ್ನು ಪ್ರೀತಿಸಿ ಮದುವೆ ಆಗಿದ್ದೇನೆ. ನಾನು 3 ತಿಂಗಳ ಗರ್ಭಿಣಿ ಇದ್ದೇನೆ ಹೆರಿಗೆಗೆ ತೋರಿಸಲು ಹೋದಾಗ ಪೊಲೀಸರು ಕೆಸು ಮಾಡಿದ್ದಾರೆ.”

6. The Investigating Officer 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 victim is the wife of the accused. Now the accused is not required for further investigation. Considering the nature and gravity of the offences, the relationship between the accused and the victim, and also in the interest of the child, without expressing any opinion on the merits of the case, it is just and proper to release the accused on bail with conditions. Accordingly, I proceed to pass the following:



ORDER

The Criminal Petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.209/2025 of Hutti Police Station, for the offence punishable under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006, pending on the file of the III Additional District and Sessions Judge, Raichur, Sitting at Sindhanur and Special Judge for Trial of the Cases under POCSO Act, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with one surety for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall not tamper with the prosecution witnesses or threaten the prosecution witnesses in any manner;
- c) Petitioner shall appear before the Trial Court on all dates of hearing without fail.

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