



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CRIMINAL PETITION NO.200635 OF 2026

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

BETWEEN:

HASAN PATEL SIRASAGI S/O MAIBOOB PATEL @
MAHIBOOB PATEL SIRASAGI,
AGE:19 YEARS, OCC: STUDENT,
R/O. KASARBOSAGA VILLAGE,
TQ. YADRAMI,
DIST. KALABURAGI.

...PETITIONER

(BY SRI MAHANTESH H. DESAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH NELOGI P.S.,
TQ. YADRAMI,
DIST. KALABURAGI,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH - 585 107.

2. MAHANTAPPA S/O SHIVALINGAPPA GADDI,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O. KASARBOSAGA VILLAGE,
TQ. YADRAMI,
DIST. KALABURAGI.
(FATHER OF VICTIM).

...RESPONDENTS

(BY SRI GOPAL KRISHNA B. YADAV, HCGP, FOR R1;
R2-SERVED)





THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BNSS(NEW)/439 OF CR.P.C.(OLD), PRAYING TO ALLOW THE BAIL PETITION AND RELEASE THE PETITIONER ON BAIL IN CRIME NO.127/2024 OF NELOGI P.S. SPL. CASE POCSO NO.63/2024 PENDING BEFORE THE ADDL. DIST. AND SESSIONS JUDGE (FTSC-I) POCSO, KALABURAGI, FOR THE OFFENCES PUNISHABLE U/SECS.137(2), 352, R/W. SEC.3(5) OF BNS ACT.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.06.2026 AND COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY AND ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

This petition is filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS) praying for an order to allow the petition and release him on bail in Special Case (POCSO) No.63/2024 pending on the file of learned Addl. District and Sessions Judge (FTSC-I Special Court for POCSO, Kalaburagi) arising out of the case in Crime No.127/2024 of the respondent police for the offences



punishable under Sections 137(2), 64, 78, 79, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') R/w Section 3(5) of BNS and Sections 4, 6, 12 and 17 of Protection of Children from Sexual Offences Act (for short 'POCSO Act').

2. In spite of appearance through learned High Court Government Pleader (for short 'HCGP'), the respondent No.1 has not chosen to file any objection. However, learned HCGP orally objected to the petition submitting that there is case against the petitioner for the offence punishable under Section 6 of POCSO Act along with other offences. There is no ground made out by the petitioner to grant bail to him and hence, the learned HCGP has prayed for dismissal of the petition.

3. In spite of appearance the respondent No.2 has not chosen to file any objection and contest the petition.



4. Heard the learned counsel for the petitioner and also the learned HCGP for respondent No.1. Perused the relevant materials on record.

5. The facts of the case alleged against the petitioner are that on 02.07.2024 at about 9.00 a.m. the petitioner kidnapped the minor victim, aged about 17 years and took her to Kalaburagi, Bidar, Bangaluru and Mumbai and had forcible sexual intercourse with her and thereby the petitioner has committed the alleged offence.

6. The contention of the learned counsel for the petitioner is that as per the statement of the complainant, who is father of the victim, the victim used to go to college at Jewargi and on 02.07.2024 at about 08.00 a.m. the victim told him and his wife that she would go to college. But in the evening she did not return and thereafter, the complainant along with his family members searched for the victim. On 03.07.2024



at about 08.00 a.m., the complainant went to the house of the petitioner and enquired with the accused No.2, who is father of the petitioner and told him that the petitioner kidnapped the victim. At that time the accused No.2 abused the complainant with filthy language and told that the petitioner could do anything.

7. The submission of the learned counsel for the petitioner is that the victim herself went along with the petitioner. Moreover, the charge sheet was already filed and the case was registered against the petitioner. Moreover, the evidence of prosecution was already closed and the case stood posted for judgment on 10.04.2026. Thereafter, on 10.04.2026 the learned Special Judge, suo-motu on the application under Section 311 of Cr.PC. summoned the teacher to produce admission register of the victim and also summoned the complainant to produce SSLC marks card of the victim in proof of the age of the victim.



8. However, as submitted by the learned HCGP, the petition averments and the documents produced by the petitioner along with the petition would show that the trial of the case was already completed and the case was posted for judgment on 10.04.2026 and thereafter, the concerned teacher and the complainant were summoned by the trial Court under Section 311 of Cr.PC to produce document regarding age of the victim. Therefore, the mere fact that subsequent to posting of the case for judgment, the learned Special Judge has summoned the teacher and the complainant for further evidence and for producing the documents, cannot be a ground to release the petitioner on bail at this stage.

9. Further, as per the petition averments and also as forthcoming on record, the petitioner has been in judicial custody for the period from 10.07.2024. Hence, the petitioner is in judicial custody for the period of about 2 years as on this day. Considering, the gravity



of the offence alleged against the petitioner and the punishment for the said offence, mere fact that petitioner has been in judicial custody for the period of about 2 years cannot be a special ground to grant him bail at this stage.

10. Further, as submitted by the learned HCGP, the victim in her evidence has clearly deposed regarding the forcibly sexual assault on her by the petitioner. The age of the victim as on the date of alleged incident was 17 years. The evidence adduced before the trial Court would show that the date of birth of the victim is 03.01.2008. The alleged incident took place on 02.07.2024. Hence, petitioner is aged about 16½ years as on the date of alleged incident. Hence, she is child within the meaning of the relevant provision of the POCSO Act.



11. Moreover, when the victim has deposed in her evidence regarding forcible sexual assault by the accused on her, there is absolutely no reason to grant bail to the petitioner at this stage. The materials on record would disclose that there are sufficient materials against the petitioner for the alleged offences.

12. As submitted by the learned counsel for the petitioner, the case before the trial Court/ learned Special Judge was already posted for judgment. Hence, at the fag end of the trial, it is not desirable on the part of this Court to release the petitioner on bail. Any of the grounds urged by the petitioner in the petition does not make out any ground to grant bail to him. Consequently, the petitioner has failed to make out any ground to release him on bail and therefore, this petition is liable to be dismissed.

13. In the result, I proceed to pass the following:



ORDER

This petition is hereby **dismissed**.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SMP
List No.: 1 Sl No.: 64