



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 19TH DAY OF DECEMBER 2025

BEFORE

THE HON'BLE MR. JUSTICE S.RACHAIAH

CRIMINAL PETITION NO. 104593 OF 2025

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

BETWEEN:

DAVALMALIK S/O MUSTAQAHAMED MANNALLI,
AGE: 19 YEARS, OCC: STUDENT,
R/O: TILAVALLI, TQ: HANGAL,
DIST: HAVERI- 581120.

...PETITIONER

(BY SRI. MOHAMMEDMISRIKHAN A. PATHAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
(THROUGH ADUR POLICE STATION, HAVERI)
BY H.C.G.P HIGH COURT BENCH,
DHARWAD HIGH COURT BUILDING
BENCH, DHARWAD.

2. BIBI ASMA W/O MAHAMADALI MANNALLI,
AGE: 38 YEARS, OCC: HOUSEWIFE,
R/O: TILAVALLI, TQ: HANGAL,
DIST: HAVERI- 581120.

...RESPONDENTS

(BY SRI. PRAVEENA Y. DEVARADDIYAVARA, HCGP FOR R1,
NOTICE TO R2 IS SERVED)

THIS CRIMINAL PETITION IS FILED U/S. 439 OF CR.P.C. (U/S. 483 OF BNSS, 2023) SEEKING TO GRANT REGULAR BAIL TO THE ABOVE NAMED PETITIONER/ACCUSED IN ADUR POLICE STATION CRIME NO. 118/2025 DATED 03/07/2025 FOR THE ALLEGED PUNISHABLE UNDER SECTION 64 (2) (f), 64 (2)(m), 65(1) OF B.N.S AND SECTION 4 AND 6 OF P.O.C.S.O ACT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

Digitally
signed by
SREEDHARAN
BANGALORE
SUSHMA
LAKSHMI
Location: High
Court of
Karnataka



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S.RACHAIAH)

1. The petitioner accused is before this Court seeking for grant of regular bail in Crime No.118/2025 of respondent-police for the offences punishable under Sections 64(2)(f), 64(2)(m), 65(1) of Bharathiya Nyaya Sanhita, 2023 (for brevity, 'BNS') and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 (for brevity, 'POCSO').

Brief facts of the case:

2. The case of the prosecution is that a complaint came to be registered by one Beebi Asma Mannalli wife of Mohammadali stating that she is having three children. Her elder daughter has been suffering from fever since two months. It was not cured, even after obtaining the treatment from the local Doctor.
3. It is further stated that the complainant thinking that her daughter needs further treatment in different hospital and decided to take her to higher hospital. Accordingly, on 03.07.2025, she took her to the Government Hospital, Haveri. The Doctor after examining the daughter of the



complainant, informed that her daughter was pregnant. Having frightened about the said information, the complainant asked the reason for her pregnancy. Then, the victim disclosed the fact that, since three months, the son of the uncle of the victim namely Dawood Malik, who is the petitioner in this case, had committed sexual assault on the victim on 28.04.2025. Consequently, she became pregnant. After that, the complaint came to be registered against the petitioner.

4. Based on the complaint, the respondent-police have registered a case in Cr.No. 118/2025 against the petitioner. After conducting investigation, submitted the charge sheet.
5. Heard Sri. Mohammedmishrikhan A. Pathan, learned counsel for the petitioner and Sri. Praveen Y. Devareddiyavara, learned High Court Government Pleader for respondent No.1-State.



6. It is the submission of learned counsel for the petitioner that the petitioner is the innocent of the alleged offences. Though it is stated that the victim is aged about 15 years 05 months, the fact remains that, the family members were negotiating the marriage between the victim and the petitioner. In fact, the petitioner is aged about 19 years. Both the petitioner and the victim were advised that marriage would be performed to them after attaining the majority. In the meantime, though it is alleged that the victim had been subjected to sexual assault by the petitioner, the fact remains that, the statement of the victim made before the learned Magistrate did not disclose the name of the petitioner. In fact, it is further stated in the said statement that, the victim got aborted when she was in Saki Kendra.
7. It is further submitted that since the petitioner is aged about 19 years, he may be enlarged on bail, not only in the interest of petitioner, but also, in the interest of public at large, for the reasons that, since he is young boy, there may be chances of being influenced by the hardcore



criminals, if he stays in the judicial custody for a longer period. Hence, the petitioner may be enlarged on bail by imposing suitable conditions. Making such submissions, learned counsel for the petitioner prays to allow the petition.

8. Per contra, learned High Court Government Pleader for respondent No.1-State vehemently submitted that the averments of the complaint clearly indicate that the victim has been subjected to sexual assault by the petitioner who is none other than the cousin of the victim. The DNA test has been proved and established that the petitioner is the biological father of the fetus. Hence, it is not appropriate to grant him bail. Making such submissions, learned High Court Government Pleader prays to reject the petition.

9. Having heard learned counsel for the respective parties and on perusal of the averments of the complaint, though it is stated in the complaint that, the victim had been subjected to sexual assault, the fact remains that, the statement of the victim made before the learned



Magistrate did not disclose the name of the petitioner. Having considered the inconsistencies in the statement of the victim, I am of the considered opinion that the petitioner has made out a case to grant him bail. Hence, I proceed to pass the following:

ORDER

(i) The petition is ***allowed***.

(ii) The petitioner is ordered to be enlarged on bail in Crime No. 118/2025 of respondent-police on executing personal bond in a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court.

(iii) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(iv) The petitioner shall not involve in any criminal cases till disposal of the case.

(v) The petitioner shall not threaten the prosecution witnesses nor hamper the proceedings of the Court.



NC: 2025:KHC-D:18430
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In case, if the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S.RACHAIAH)
JUDGE

JS/PJ
List No.: 1 Sl No.: 35