



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

**CRIMINAL PETITION No. 14246 OF 2025 (439(Cr.PC) /
483(BNSS))**

BETWEEN:

1. SRI NARENDRA G
S/O. GOPALAPPA
AGED ABOUT 22 YEARS
R/AT CHINNAPPANAHALLI VILLAGE
GUDIBANDE TALUK
CHIKKABALLAPURA DISTRICT-563 125.

...PETITIONER

(BY SRI. DEVENDRA N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHIKKABALLAPURA
WOMEN POLICE STATION
CHIKKABALLAPURA
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.
2. THE CHAIRMAN
CHILD WELFARE COMMITTEE
CHIKKABALLAPURA
CHIKKABALLAPURA DISTRICT-563 101.
3. SMT. SHABANA
W/O LATE KHALLEL
AGED ABOUT 40 YEARS

Digitally Signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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CRL.P No. 14246 of 2025

R/AT WARD No.30,
AMBEDKAR NAGAR
CHIKKABALLAPUR TOWN AND
DISTRICT-563 101.

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R1 AND R2
R3 -PRESENT IN O/C/H))

THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE HIM ON BAIL IN SPL.C NO.73/2025 IN CRIME No.17/2025 OF CHIKKABALLAPUR WOMEN POLICE STATION CHIKKABALLAPUR DISTRICT (1ST RESPONDENT HEREIN) WHICH IS NOW PENDING ON THE FILE OF IV ADDL.DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPUR FOR THE OFFENCES P/U/S 64, 127(2), 137(2) OF BNS AND SECTIONS 5(J) 5(L) (II) AND 6 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

1. This petition is filed by the sole accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as the `BNSS`) praying to grant bail in Spl. S.C. No. 73/2025 (Crime No. 17/2025 of Chikkaballapura Woman Police Station) pending on the file of IV Additional District and Sessions Judge,



Chikkaballapura registered for offence under Sections 64, 127(2), 137(2) of Bharathiya Nyaya Sanhita (hereinafter referred to as the `BNS') and Sections 5(j), 5(l), 5(2) and 6 of POCSO Act.

2. Heard learned counsel for petitioner and learned HCGP for respondent Nos. 1 and 2. Inspite of service of notice respondent No. 3 remained absent and unrepresented.

3. Learned counsel for petitioner would contend that there was love affair between petitioner and the victim girl and the same has been stated by the victim girl in her statement recorded under Section 183 of BNS. Pregnancy of the victim girl was aborted and DNA test has been conducted of the fetus and blood samples of the petitioner and the victim girl. DNA report indicate that petitioner is the biological father and victim girl is the biological mother of the fetus. Petitioner is ready to marry the victim girl after she attains the age of majority. The parents of the petitioner have filed an affidavit undertaking



to perform the marriage of the petitioner with the victim girl after she attains the age of majority. As charge sheet is filed petitioner is not required for custodial interrogation. With this, he prayed to allow the petition.

4. Per contra, learned HCGP would contend that the charge sheet material show prima facie case against the petitioner for offences alleged against him. The act of this petitioner led to the pregnancy of the victim girl. Pregnancy of the victim girl has been terminated. The fetus and the blood samples were sent for DNA test. DNA test report indicate that petitioner is the biological father and victim girl is the biological mother of the fetus. Charge sheet material show prima facie case against the petitioner. With this he prayed to reject the petition.

5. Smt. Shabana, wife of Khallel and the victim girl are present. Said Smt. Shabana is C.W.2 in the charge sheet and she is aunt of victim girl. Said C.W.2 and the victim girl have also agreed for marriage of petitioner with the victim girl after she attains the age of majority. She



further submitted that if there is any lapse on the part of the petitioner and his parents in performing the marriage, consequence has to be noted.

6. Having heard learned counsel for the parties, this Court has perused the charge sheet and other material placed on record.

7. Column No. 17 of the charge sheet indicate that date of birth of the victim girl is 15.07.2008. Both the petitioner and C.W.1 – victim girl were having love affair. Petitioner took the victim girl during August 2024 on his bike, both went to a village in Chikaballapur, resided in a shed and had sexual intercourse. Victim girl became pregnant. Pregnancy of the victim girl was aborted and the fetus has been sent for DNA test along with blood samples of petitioner and the victim girl. DNA test report indicate that the petitioner is the biological father and victim girl is the biological mother of the fetus. Statement of the victim girl indicate that she was having love affair with the petitioner. Petitioner has agreed to marry the victim girl



after she attains the age of majority. Parents of the petitioner have filed affidavit that they will perform the marriage of their son, who is petitioner herein, with the victim girl after she attains the age of majority.

8. Date of birth of the victim girl is 15.07.2008 and she will attain majority on 15.07.2026. Parents of the petitioner have to perform marriage of their son petitioner, with the victim girl within 1 month from the date the victim girl attains the age of maturity, i.e., on or before 15.08.2026.

9. As charge sheet is filed, petitioner is not required for custodial interrogation. Petitioner has undertaken to appear before the trial Court on all dates of the hearing.

10. Considering the above aspects, petitioner has made out a case for grant of bail with conditions.

11. In the result, the following;

ORDER



Petition is allowed. Petitioner is granted bail in Spl. S.C. No. 73/2025 (Crime No. 17/2025 of Chikkaballapura Woman Police Station) pending on the file of IV Additional District and Sessions Judge, Chikkaballapura subject to following conditions:

- I. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the trial Court.
- II. Petitioner shall not tamper the prosecution witnesses either directly or indirectly.
- III. Petitioner shall attend the trial Court on all dates of hearing unless exempted and co-operate for speedy disposal of the case.
- IV. Petitioner shall file an affidavit undertaking to marry the victim girl within 1 month of she attaining the age of majority and to look after her properly after marriage.
- V. If the petitioner fails to marry the victim girl within 1 month of she attaining majority, the bail granted



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to him shall stand cancelled and he has to
surrender immediately.

VI. Petitioner, after his marriage with the victim girl,
has to take care of the victim girl properly without
harassing her.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 2
Ct.sm