



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. 15305 OF 2025

(438(Cr.PC) / 482(BNSS))

BETWEEN:

1. UMAR @ UMAR ALI
S/O FAIROZ PASHA
AGED ABOUT 19 YEARS
R/AT, VEMAGAL
KOLAR-560101

...PETITIONER

(BY SRI. SADDAM R.,ADVOCATE)

AND:

1. STATE BY KADUGODI PS
REP. BY STATE PUBLIC PROSECUTOR
OFFICE AT, HIGH COURT COMPLEX,
OPP. TO VIDHANA SOUDHA
BENGALURU - 560001.
2. ALIM PASHA
S/O CHOTU SAB
AGED ABOUT 40 YEARS
R/AT KRISHNA BUILDING,
ALIM TOMATO SHOP,
BAPUJI CIRCLE,
KADUGODI
BANGALORE- 560067.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1,
SRI K R NAGARAJA, ADVOCATE FOR SRI ARUN KUMAR D N.,ADVOCATE)



THIS CRL.P IS FILED UNDER SECTION 438 CR.PC (FILED U/S 482 BNNS) PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.493/2025 OF KADUGODI POLICE STATION FOR OFFENCES UNDER SECTIONS 8 AND 12 OF POCSO ACT AND SECTIONS 78, 351(2) AND 3(5) OF BNS 2023 PENDING ON THE FILES OF THE HONBLE ADDITIONAL DISTRICT AND SESSIONS JUDGE FAST TRACK SPECIAL COURT-1 AT BANGALORE RURAL WHEREIN THE PETITIONER ARRAYED AS ACCUSED NO.1.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.1 under Section 482 of Bharatiya Nagarak Suraksha Sanhita, 2023 praying to grant anticipatory bail in Crime No.493/2025 of Kadugodi Police Station registered for the offences punishable under Sections 8 and 12 of POCSO Act, 2012 and Sections 78, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

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



3. The learned counsel for petitioner would contend that, the offences alleged against the petitioner are not punishable either with death or imprisonment for life. The maximum sentence of imprisonment that can be imposed is five years, along with fine. There is no allegation of any forcible sexual intercourse by this petitioner on the victim girl. The investigation is over. With this, he prayed to allow the petition.

4. Per contra the learned High Court Government Pleader for the respondent No.1/State would contend that, the investigation is over. Charge sheet has been filed. The victim girl in her statement recorded under Section 183 of BNSS, 2023 has stated that, the petitioner has given threat to kill her. The victim girl has refused for medical examination. With this, he prayed to reject the petition.

5. The learned counsel for respondent No.2 would contend that, there is a threat by the petitioner to the



victim girl and her family members. With this, he prayed to reject the petition.

6. Having heard the learned counsel, the Court has perused the FIR, complaint and other materials placed on record.

7. The victim girl is aged 16 years. It is alleged that, the petitioner had taken the victim girl to his house, and kept her for two months. When the parents of the victim girl went to the house of petitioner and other accused, they refused to send her. The statement of the victim girl has been recorded under Section 183 of BNSS, 2023. There is no allegation of any sexual assault by the petitioner on the victim girl. The victim girl has refused for medico legal examination. As charge sheet has been filed, the petitioner is not required for custodial interrogation. The offences alleged against the petitioner are not punishable either with death or imprisonment for life. There are no criminal antecedents of the petitioner. The



apprehension of the respondent No.2 and the prosecution can be met by imposing stringent conditions.

In the result, the following:

ORDER

- i) The petition is allowed.
- ii) The petitioner is ordered to be released on bail in the event of his arrest in Crime No.493/2025 of Kadugodi Police Station registered for the offences punishable under Sections 8 and 12 of POCSO Act, 2012 and Sections 78, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 subject to following conditions:

a) The petitioner shall voluntarily appear before the Investigating Officer/jurisdictional Court within ten days from this day and execute bail bond and furnish surety.

b) The petitioner shall not tamper the prosecution witnesses either directly or indirectly.



c) The petitioner shall attend the Trial Court on all dates of hearing unless exempted and cooperate for speedy disposal of the case.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 6