



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 292 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. JINENDRA
S/O. NEMIRAJA SHETTY,
AGED ABOUT 33 YEARS,
R/A ALIYURU VILLAGE,
VALPADI POST, MUDABIDRI TALUK,
D.K. DISTRICT – 574 236.
2. RAJENDRA JAIN,
S/O. GUNAPALA JAIN,
AGED ABOUT 46 YEARS,
R/AT DAREGUDDE, VALPADI POST,
VALPADY POST,
D.K. DISTRICT – 574 213.

...APPELLANTS

(BY SRI. NISHIT KUMAR SHETTY., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BIRUR POLICE STATION,
CHIKKAMAGALURU DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,



BANGALORE - 560 001.

2. XXXX
D/O GIREESH,
NAGAVANGALA VILLAGE,
AJJAMAPURA TALUK,
CHIKKAMAGALURU - 577 102.

...RESPONDENTS

(BY SRI. M V ANOOPKUMAR., HCGP FOR R1)

THIS CRL.A FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 04.02.2026 ARISING OUT OF CR.NO.218/2025 OF BIRUR P.S., FOR THE OFFENCES P/U/S 137(2), 127(3), 143, 64(1) OF BNS, U/S 4, 6 AND 17 OF POCSO ACT, 2012, U/S 3(1)(w)(i)(ii), 3(2)(va) OF SC/ST (POA) ACT PASSED BY THE COURT OF ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-1, AT CHIKKAMAGALURU AND RELEASE THE APPELLANT ON REGULAR BAIL IN CR.NO.218/2025 OF BIRUR P.S.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

The appellants are accused Nos.7 and 12 in Crime No.218/2025 filed by the respondent-Police for the offence punishable under Sections 137(2), 127(3), 143 and 64(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6 and 17 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii) and 3(2)(va) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking regular bail.

2. The case of the prosecution is that the victim had lodged a complaint stating that she was aged about 16 years at the time of the incident. She is the only child to her parents. Six years ago, her mother died due to an illness. Hence, she was residing with her father. She has studied till I PUC at Kadur and thereafter, she discontinued her studies. On 18.12.2025, she went along with accused No.2 to the house of accused No.3, where accused No.4 was residing with her. On 20.12.2025, accused No.1 came to the house of accused No.3 and had a discussion with accused Nos.2 to 4 and took the girl to his house situated at Mangalore. At that time, accused No.2



also accompanied her. On 24.12.2025 and 25.12.2025, accused Nos.1 and 2 forced the victim to work as a sex worker. On 26.12.2025, the victim and accused No.2 returned to Birur and stayed in the house of accused No.3. On 27.12.2025, the aunt of the complainant took the victim to her house, where she disclosed the entire episode to her aunt and thereafter, they lodged a complaint before the respondent-Police. Based on the said complaint, the respondent-Police have registered a case conducted investigation and submitted the charge sheet.

3. Heard Sri.Nishit Kumar Shetty, learned counsel for the appellants and Sri.M.V.Anoop Kumar, learned High Court Government Pleader for respondent No.1-State.

4. The submission of the learned counsel for the appellants are that the appellants are innocents of the alleged offences. They are customers of the brothel house. They were not aware about the actual age of the victim. In fact, the averments of the complaint would indicate that her father had forced her to work as a sex worker. The appellant No.1/accused No.7 is the permanent resident of Aliyuru Village, Mudabidri Taluk and appellant No.2/accused No.12 is the permanent



resident of Daregudde, Mangalore. They will abide by the conditions to be imposed by this Court in the event of their release on bail. Making such submissions, learned counsel for the appellants prays to allow the appeal.

5. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently submitted that the appellants have committed heinous offence against a minor girl. They have committed an offence knowingly that she had not completed 18 years. The statement made by the victim under Section 164 of Cr.P.C. clearly indicates that she was aged about 16 years at the time of the incident. It is nothing but a gang rape. Hence, they are not entitled for the relief as prayed for. Making such submissions, learned HCGP prays to dismiss the appeal.

6. Heard the learned counsel for the respective parties and perused the averments on the charge sheet, which would indicates that the victim herself lodged a complaint before the respondent-Police stating that she was the only child of her parents. Her mother died 6 years ago and she had studied upto I PUC and thereafter, she had discontinued her studies.



Accused No.2 is her father and he had forced her into sex work by joining hands with accused No.1. Thereafter, she was taken to Mangalore and was made to stay at the house of accused No.1, where he was running a brothel house and it appears that the appellants are customers to the said brothel house and it is alleged that they have committed sexual assault on the victim. However, at this stage, submission of the learned counsel for the appellants has to be considered in such a manner that the appellants were not aware about the actual age of the victim. Having considered the said aspect, it is appropriate to grant them bail by imposing suitable conditions that would take care of the apprehension of the prosecution.

7. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is ***allowed***.
- ii) The impugned order passed by the learned Additional District and Sessions Judge, FTSC-I, Chikkamagaluru in Crime No.218/2025 dated 04.02.2026 is set aside.
- iii) The appellants are directed to be enlarged on bail in Crime No.218/2025 of Birur Police Station, registered for the



offences punishable under Sections 137(2), 127(3), 143 and 64(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6 and 17 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii) and 3(2)(va) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, subject to the following conditions:

- a) The appellants shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each with one surety each for the likesum, to the satisfaction of the jurisdictional Court.
- b) The appellants shall not threaten the prosecution witnesses.
- c) The appellants shall not hamper the Court proceedings.
- d) The appellants shall not leave the jurisdiction of the Court till disposal of the case.
- e) The appellants shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

Sd/-
(S RACHAIAH)
JUDGE