



CNR: KAHC010144872026

NC: 2026:KHC:29493
CRL.A No. 372 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 372 OF 2026 (U/S 14(A) (2))

BETWEEN:

SANDEEP,
AGED ABOUT 25 YEARS,
S/O. SOMAPPA,
R/AT BALEHITHLU HOUSE,
NITTE VILLAGE AND POST,
KARKALA TALUK,
UDUPI TALUK - 574 110.

...APPELLANT

(BY SRI. VISHWAS., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BIROOR POLICE STATION,
CHIKKAMAGLURU DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.
2. XXXXXXXX (VICTIM)
D/O. GIREESH,

Digitally
signed by
SUSHMA
LAKSHMI B S
Location: High
Court of
Karnataka



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AGED ABOUT 16 YEARS,
NAGAVANGALA VILLAGE,
AJJAMPURA TALUK,
CHIKKAMAGALURU – 577 547.

...RESPONDENTS

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

R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING TO ENLARGE THE APPELLANT ON REGULAR BAIL AND SET ASIDE THE ORDER DATED 04/02/206, ON THE APPLICATION FILED BY THE APPELLANT UNDER SECTION.483 OF BNSS, IN CRIME NO.218/2025 OF BIROOR POLICE STATION UDUPI, ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, F.T.S.C-1 AT CHIKKAMAGALURU, REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS.64(1), 143, 137(2), 127(3) OF BNS 2023 AND SECTIONS.4, 6, 17 OF POCSO ACT 2012 AND SECTIONS.3(1)(W)(ii), 3(2)(va) OF SC/ST ACT.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

This appeal is filed by the appellant/accused No.8 seeking to set aside the order dated 04.02.2026 passed in Cr.No.218/2025 by the learned Additional District and Sessions Judge FTSC-1 at Chikkamagaluru and to enlarge him on bail in the said crime registered by the respondent-Police for the offences punishable under Sections 64(1), 143, 137(2), 127(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 17 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the victim is aged about 16 years and she is the only child of her parents. About 06 years ago, her mother died due to illness. The victim was residing with her father at Nagavangal. She has studied upto I PUC at Kadur and thereafter, discontinued her studies. On 18.12.2025, she had visited the house of her grandmother along with accused No.2, where she met accused Nos.1 and 4, and thereafter, they took her to Mangaluru. From 24.12.2025 to 25.12.2025, the accused Nos.1 and 2 forced the victim to have sex with several persons by threatening her. 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, she narrated the incident to her aunt Pavithra, who took her to the Police Station and narrated the incident. Thereafter, a case came to be registered against all the accused. After conducting investigation, the respondent-Police submitted the charge sheet.

3. The submission of the learned counsel for the appellant is that the appellant is arrayed as accused No.8. There are absolutely no materials on record to show that the appellant had committed the offence. The appellant is aged about 25 years and he is a coolie worker, moreover, there are no criminal antecedents against him. Therefore, he may be enlarged on bail by imposing suitable conditions. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently submitted that the averments of the complaint would indicate that the appellant,



being a customer knew that the victim girl was a minor and despite of that he committed penetrative sexual assault upon her, thereby committing an offence as stated supra. Therefore, he is not entitled for any relief as prayed in the appeal. Making such submissions, learned High Court Government Pleader prays to reject the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the materials made available on record, it appears that the appellant is a customer of the brothel house. He had committed penetrative sexual assault on the victim who was minor at the time of the said incident. It is relevant at this stage to refer the submission of the learned counsel for the appellant, that the appellant was not aware about the actual age of the victim. He was merely a customer of the said brothel house and he had committed penetrative sexual assault by not being aware of the actual age of the victim. Having considered the submissions, I am of the considered opinion that the said submission is having a relevance of the case. Hence, I proceed to pass the following:



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ORDER

- i) The appeal is ***allowed***.
- ii) The order dated 04.02.2026 passed in Cr.No.218/2025 by the learned Additional District and Sessions Judge FTSC-1 at Chikkamagaluru for the offences punishable under Sections 64(1), 143, 137(2), 127(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 17 of Protection of Children from Sexual Offences Act, 2012 is set aside.
- iii) The appellant / accused No.8 is ordered to be enlarged on bail in Cr.No.218/2025 registered by the respondent-Police, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The appellant shall not threaten or tamper the prosecution witnesses.



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- b) The appellant shall appear before the
Trial Court on all hearing dates.

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 4