



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 15TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 433 OF 2026 (U/S 14(A)(2))

BETWEEN:

SRI MAHENDRA B C
S/O. CHINNAPPA,
AGED ABOUT 30 YEARS,
R/A. BELLAMARANAHALLI VILLAGE,
KOLAR - 563 133.

...APPELLANT

(SRI. NANJUNDA GOWDA M R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KOLAR WOMEN POLICE,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR.AMBEDKER VEEDHI,
BENGALURU - 560 001.
2. SMT.KANAKAMMA,
W/O. KRISHNAPPA,
AGED ABOUT 35 YEARS,
R/A. BELLAMARANAHALLI
VILLAGE,

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



VEMGAL HOBLI,
KOLAR - 563 133.

...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 PRAYING TO SET ASIDE THE ORDER DATED 08.01.2026 PASSED IN CRL.MISC.NO.987/2025 ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE FAST TRACK SPECIAL COURT - 1 (POCSO) AT KOLAR AND ENLARGE HIM ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.74/2025 OF KOLAR WOMEN POLICE STATION, WHICH IS NOW PENDING IN SPL.SC/ST IPC NO.18/2025, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 65(1), 126(2), 137(2), 351(2) OF BNS, AND SECTIONS 4(2), 5(L), 6 OF POCSO ACT, 2012, AND SECTIONS 3(2)(v), 3(1)(w)(i)(ii) OF SC/ST POA ACT, 1989.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. The appellant / accused No.4 has preferred this appeal seeking to set aside the order dated 08.01.2026 in Crl.Misc.No.987/2025 passed by the Additional District and Sessions Judge, Fast Track Special Court-I (POCSO) at Kolar, wherein the bail application of the appellant has been rejected.

Factual matrix of the case:

2. It is the case of the prosecution that the victim had been subjected to penetrative sexual assault by the appellant and others. A complaint came to be registered against all the accused. Thereafter, they have been charge-sheeted for the offences under Sections 126(2), 137(2), 65(1), 351(2) of the Bharatiya Nyaya Sanhita (for short, 'BNS'), Sections 4(2), 5(I), 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO') and Section 3(2)(v), 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC/ST (POA) Act').



3. Heard Sri M.R. Nanjunda Gowda, learned counsel for the appellant and Sri M.V. Anoopkumar, learned High Court Government Pleader for respondent No.1. Respondent No.2 is served, but remains unrepresented.
4. The submission of the learned counsel for the appellant is that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. Even the DNA report would indicate that accused No.2 is responsible for the said offence. Such being the fact, the appellant may be enlarged on bail by imposing suitable conditions and he would abide by the conditions to be imposed in the event of his release on bail. Making such submissions, the learned counsel for the appellant prays to allow the appeal.
5. *Per contra*, learned High Court Government Pleader for respondent No.1 vehemently submitted that the victim is aged about 14 years. The appellant and others have committed penetrative sexual assault on several occasions. Moreover, she belongs to scheduled caste and the incident had occurred on account of her belonging to



scheduled caste. Hence, it is not appropriate to grant the relief as prayed for in the appeal. Making such submissions, learned High Court Government Pleader for respondent No.1 – State prays to reject the appeal.

6. Having gone through the averments of the charge sheet and also the submissions of the learned counsel for the respective parties, it appears that the victim aged about 14 years belongs to scheduled caste, had been subjected to sexual assault by the appellant and others. On going through the statement of the victim made before the learned Magistrate under Section 164 of the Code of Criminal Procedure, it is clear that the appellant had committed penetrative sexual assault on the victim.
7. Having considered the gravity and seriousness of the offence, I am of the considered opinion that the appeal deserves to be dismissed. Ordered accordingly.
8. However, the appellant is at liberty to approach the Trial Court for the same relief. If such application is filed, the Trial Court may consider the application on the same day,



on merit. It is needless to state that the observation made in this appeal is only for the purpose of disposing of this appeal. The Trial Court shall not be influenced by any of the observations made in this order and shall decide the case independently on its own merits.

Sd/-
(S RACHAIAH)
JUDGE