



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 583 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. KRISHNA RAO,
S/O. GURUNATH,
AGED ABOUT 46 YEARS,
RESIDING AT HORATTI VILLAGE,
KENJIGE POST, BANAKAL HOBLI,
MUDIGERE TALUK,
CHIKKAMANGALURU
DISTRICT -577 132.

NATIVE PLACE:
BEHIND COTTON MILL,
BAVAJI EXTENSION, NITTUVALLI,
DAVANAGERE TOWN – 577 001.

...APPELLANT

(BY SRI. KRISHNA B J., ADVOCATE)

AND:

1. STATE BY BANAKAL POLICE
MUDIGERE CIRCLE,
CHIKKAMAGALURU
DISTRICT – 577 101.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560 001.



2. JANAVI H L,
D/O. LAKSHMANA,
AGED ABOUT 23 YEARS,
RESIDING AT HUYIGERE,
KHANDYA HOBLI,
CHIKKAMANGALURU TALUK,
CHIKKAMANGALURU
DISTRICT – 577 101.

...RESPONDENTS

(BY Ms. ASMA KOUSER., ADDL. SPP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT,
2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT
THIS HON'BLE COURT MAY BE PLEASED TO GRANT REGULAR
BAIL TO APPELLANT/ACCUSED IN CRIME NO.6/2026 FOR THE
OFFENCE P/U/S 64(2)(m) OF BNS 2023 AND SECTION
3(1)(w)(i)(ii) AND 3(2)(V) OF SC/ST (POA) AMENDMENT ACT
2015, WHICH IS PENDING ON THE FILE OF THE HONBLE I
ADDL. SESSIONS JUDGE AND SPECIAL JUDGE AT
CHIKKAMAGALURU AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This criminal appeal is filed by the appellant who is arrayed as accused before the Trial Court being aggrieved by the order passed by the I Additional Sessions and Special Judge, Chikkamagaluru in Crime No.6/2026 for the offences punishable under Section 64(2)(m) of Bharatiya Nyaya Sahita, 2023 (*for short BNS*) and under Section 3(1)(w)(i)(ii) and 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (*for short SC/ST [POA] Act*).

Factual matrix of the case:

2. The case of the prosecution is that, a complaint came to be registered by respondent No.2 stating that she is a resident of Huyigere Village, Chikkamagaluru District and she was in love with one Sri. Anil since last five years who belongs to the same community. After obtaining consent from their respective families for marriage, both of them went to meet the Priest to get their horoscope checked before the marriage. The victim and her fiancée met the priest in the temple. The victim was instructed to meet the priest in his house. Accordingly, on 23.11.2025, at about 11.30 a.m., the victim went to the house



of the priest and contacted him. The victim was asked to come inside the house. When she went inside the house, she had been subjected to sexual intercourse on the pretext that there is a problem in the horoscope and it has to be resolved by way of having sexual intercourse with the victim.

3. Being afraid of the said untoward incident, she did not to disclose the said fact to anybody. Later, again on two occasions, it is alleged that, she had to undergo sexual intercourse with him in the same context. Being annoyed by the said act, she disclosed the said fact to her fiancée and later, they decided to lodge a complaint. Based on the said complaint, the respondent – Police registered a case, conducted investigation. The investigation is under progress.

4. Heard learned counsel for the respective parties.

5. Learned counsel for the appellant submits that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. Though, the alleged incident had taken place on 23.11.2025, the complaint came to be registered on 02.02.2026. There is an inordinate delay in



lodging the complaint. The said delay has not been explained properly. Moreover, as per the averments of the complaint, the victim has brought to the knowledge of her fiancée after the incident. However, they did not take any steps to lodge the complaint at the earliest.

6. It is further submitted that the alleged incident had not taken place on account that she belongs to the Scheduled Caste. Moreover, the victim is aged about 23 years. No medical records have been produced to demonstrate that the victim is subjected to rape. Hence, the appellant 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.

7. *Per Contra*, learned Additional Special Public Prosecutor for respondent vehemently submitted that the victim had been subjected to rape thrice during her visit to the house of the appellant on the pretext of getting the pooja done in order to make good the horoscope. The manner in which the appellant had misused the innocence of the victim certainly



would cause havoc to the society at large. In order to regulate such superstitious beliefs, it is necessary to reject the appeal. Making such submission learned Additional Special Public Prosecutor prays to reject the appeal.

8. Having heard learned counsel for the respective parties and on perusal of the averments of the complaint, it is alleged that the victim had been subjected to rape thrice by the appellant. It is further alleged that the first incident had taken place on 23.11.2025. However, there is an inordinate delay in lodging the complaint. Having considered the inordinate delay in lodging the complaint, it is appropriate to grant bail to the appellant by imposing suitable conditions that would take care of the apprehension of the prosecution.

9. Hence, I proceed to pass the following:

ORDER

- i. This criminal appeal is ***allowed***.
- ii. The appellant is ordered to be enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One



Lakh) with two (02) sureties to the like sum of the satisfaction of the Trial Court.

- iii. The appellant shall co-operate with the investigation till filing of the final report.
- iv. The appellant shall not threaten the prosecution witness nor tamper with other witnesses.
- v. The appellant shall appear before the Trial Court on all hearing dates, without fail.

In case, if, the appellant violates any of the bail conditions stated *supra*, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

**Sd/-
(S RACHAIAH)
JUDGE**

NM/-