



CNR: KAHC010252642026

NC: 2026:KHC:37142
CRL.A No. 980 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 980 OF 2026 (U/S 14(A) (2))

BETWEEN:

MR VINAY @ VINAY KUMAR,
AGED ABOUT 36 YEARS,
S/O. GANGADHARSWAMY,
R/AT 2ND CROSS, SORABA ROAD,
ANAVATTI, SORAB TALUK,
SHIMOGA DISTRICT – 577 413.

...APPELLANT

(BY SRI. RAGHAVENDRA B. HANJER., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY
KADUR POLICE STATION,
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.
2. SMT. K.P. SHYLA,
W/O. SRI. K.J. KIRAN,



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AGED ABOUT 42 YEARS,
OCCUPATION PRINCIPAL,
MORARJI DESAI RESIDENTIAL SCHOOL,
KUPPALU KADUR TALUK,
CHIKKAMAGALUR DISTRICT.

3. (XXXX VICTIM NO.1)
D/O. SRI. KRISHNAMURTHY,
AGED ABOUT 14 YEARS,
OCCUPATION: STUDENT,
REPRESENTED BY HER
NATURAL GUARDIAN AND FATHER,
SRI. KRISHNAMURTHY,
AGED MAJOR
MORARJI DESAI RESIDENTIAL
SCHOOL, KUPPALU KADUR TALUK,
CHIKKAMAGALUR DISTRICT.

4. (XXXX VICTIM NO.2)
D/O. SRI. VISHWANATH
AGED ABOUT 14 YEARS,
OCCUPATION: STUDENT,
REPRESENTED BY HER
NATURAL GUARDIAN AND FATHER,
SRI. VISHWANATH,
AGED MAJOR
MORARJI DESAI RESIDENTIAL SCHOOL,



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KUPPALU KADUR TALUK,
CHIKKAMAGALUR DISTRICT.

...RESPONDENTS

(BY SRI. JAVEED S., HCGP FOR R1;
R2, R3 AND R4 ARE SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER (ACCUSED NO.3) PRAYING TO ALLOW THE PRESENT APPEAL AND THEREBY DIRECT THE RESPONDENT POLICE TO RELEASE THE PETITIONER ON BAIL AND CONSEQUENTLY SET ASIDE THE ORDER DATED 11.08.2025, PASSEED IN SPL.CASE.(P).NO.1/2024, PENDING ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE FTSC-1 AT CHIKKAMAGALURU IN CR.NO.301/2023, THE OFFENCE P/U/S 363, 366(A), 328, 376(3), 370(A)(1), 370(b), 370(5), 370(6), 370(7), 342, 506, 120(B), 114, 34 OF IPC AND SEC.4, 6, 17, 18 ANF 19 OF POCSO ACT AND SEC.3(1)(w)(i)(ii), 3(2)(v), 3(2)(VA) OF SC/ST (POA)ACT. T

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

This appeal has been filed by the appellant being aggrieved by the order dated 11.08.2025 in Spl.C(P) No.1/2024 on the file of Additional District and Sessions Judge FTSC-I, Chikkamagaluru, wherein his application for regular bail has been dismissed for the offences punishable under Sections 363, 366(A), 328, 376(3), 370A(1), 370(4), 370(5), 370(6), 370(7), 342, 506, 120B, 114 r/w 34 of Indian Penal Code, 1860, Sections 4, 6 and 17 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that the Principal of Morarji Desai Residential School, Kadur Taluk lodged a complaint against accused Nos.1 to 3 stating that accused No.1 was working as a staff nurse and she used to visit the hostel to vaccinate the students. Accused No.2 was working as D-Group employee on contract basis. The accused No.2 instigated the students that accused No.1 who was assisting girl students to write the examination of paramedical course and also used to



bring them to the house of accused No.1. As such, the victims were taken to the house of accused No.1 and were offered drink coffee. After drinking the coffee, the victims felt dizzy. Therefore, accused No.1 asked her to take rest in the room. In the meantime, accused No.3 on the pretext of checking the bag of the victim stating that he had lost his mobile phone and the location shows that the mobile phone is in the house of accused No.1. In the meantime, he traced the mobile phone in the bag of the victim and threatened her that she should give Rs.50,000/-. When she refused to give the said amount, he tried to commit sexual assault on her. In the meantime, the victim requested him not to commit the said offence as she has had her monthly periods. Therefore, he abused her and left her. Similarly, the averments of the charge sheet would indicate that the accused No.3 had given Rs.1,70,000/- to the accused No.1 to supply the girls for his lust.

3. The respondent-Police have charge sheeted against accused Nos.1 to 3 for the offences stated supra. The appellant is arrayed as accused No.3.



4. The submission of the learned counsel for the appellant is that even on reading the evidence of PW.2 and PW.3, it is very clear that Section 8 of the POCSO Act is squarely applicable to the case on hand. However, the appellant has been charge sheeted for the offence punishable under Sections 4, 6 and 17 of the POCSO Act along with other offences which are not directed against him. The appellant has been in judicial custody for the past 3 years and he has not granted bail. The appellant is a married a man and he is having wife and children and he has to take care of them. Considering the same, he may be enlarged on bail by imposing suitable conditions. He will abide by the conditions to be imposed in the event of his release on bail. Making such submissions, learned counsel for the appellant prays to allow the appeal.

5. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently submitted that the appellant has committed heinous offence against the students who were studying in 8th Standard at Morarji Desai Residential School, Kadur. The overt act against the appellant is very clear and PW.2 and PW.3 have supported the case of the



prosecution. Considering the same, it is not appropriate to grant the relief as pray for. Making such submissions, learned HCGP prays to reject the appeal.

6. Having heard the learned counsel for the respective parties and perusal of the averments of the charge sheet and also the deposition of PW.2 and PW.3, it makes clear that the provisions of Sections 4, 6 and 17 of the POCSO Act could not be applicable against the appellant. Hence, it is appropriate to grant the relief as prayed for in the appeal.

7. Hence, I proceed towards the following:

ORDER

- i) The appeal is ***allowed***.
- ii) The order dated 11.08.2025 passed in Spl.C(P) No.1/2024 by the learned Additional District and Sessions Judge FTSC-I, Chikkamagaluru is set aside.
- iii) The appellant / accused No.3 is ordered to be enlarged on bail in Crime No.301/2023 of respondent - Police, on executing a personal



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

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

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 20