



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 746 OF 2026 (U/S 14(A) (2))

BETWEEN:

D. P. UTTAM UTTAPPA @ UTTAM,
S/O LATE PRAVEEN KUMAR,
AGED ABOUT 19 YEARS,
R/O HOUSE NO.4898,
SANGAM CIRCLE,
NEAR BHAGATH SINGH
PARK, VIJAYANAGAR 2ND STAGE,
MYSURU TOWN – 570 017.

...APPELLANT

(BY SRI. ANANTHARAMA C., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP, BY LINGADAHALLI
POLICE STATION,
CHICKAMAGALUR
REP BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.
2. RAMA BHOVI,



S/O CHINNA BHOVI,
R/O-3RD CROSS,
BHOVI COLONY,
KODI CAMP, TARIKERE TOWN,
CHIKAMAGALURU - 577 228.

3. XXXX VICTIM,
AGED ABOUT 17 YEARS 6 MONTHS,
SINCE MINOR
REP BY HER GRAND FATHER.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAOOA., HCGP 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 TO ENLARGE THE APPELLANT ON BAIL AND RELEASE THE APPELLANT (ACCUSED NO.2) IN SPL.C(P).NO.44/2026, IN CONNECTION WITH CRIME NO.02/2026 REGISTERED BY LINGADAHALLI POLICE STA CHICKAMAGALUR, ON THE FILE OF ADDITIONAL DISTRICT AND SESSION JUDGE AND FTSC-I, CHIKAMAGALURU DISTRICT, FOR THE OF PUNISHABLE UNDER SECTION.137(2), OF BNS ACT 2023, SECTION.3(2)(v-a) OF THE SC AND ST (P AND A) ACT.

THIS APPEAL, COMING ON FOR ADMISSION, 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 No.2 being aggrieved by the order dated 16.04.2026 passed in Spl.C.(P).No.44/2026 on the file of Additional District and Sessions Judge, FTSC-I, Chikkamagaluru, for the offences punishable under Section 137(2), 127(4), 87, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(v)(a), 3(1)(w)(i)(ii) of the SC & ST (POA) Act and Section 9 of POCSO 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 his grand daughter found missing from his house from 19.12.2025. In that regard, a missing complaint came to be registered before the respondent – Police. She has been secured during the investigation and her statement has been recorded. As per her statement the facts of the case has been unfolded in such a way that the victim was loving accused No.1. Both of them wanted to marry each other. It is alleged against the appellant that he assisted them to elope from Birur to Mysuru.



3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant submitted that the allegations leveled against the appellant are that he has assisted them to elope from Birur to Mysuru by train. However, he was not aware about the actual age of the victim. He has been falsely implicated in this case. Moreover, he is aged about 19 years and the resident of Vijayanagara II Stage, Mysuru. It is further submitted that 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.

5. *Per Contra*, learned High Court Government Pleader for respondent vehemently submitted that the appellant herein instigated the accused No.1 to commit the offences mentioned in the charge-sheet. There is a clear case is made out against the appellant by filing the charge-sheet. Therefore, it is not appropriate to grant the relief as prayed for. Making such submissions learned High Court Government Pleader prays to reject the appeal.



6. Having heard learned counsel for the respective parties and on perusal of the averments of the charge-sheet, it appears that the age of the victim is 17 years 06 months 02 days as on the date of the alleged incident. Though, it is alleged that the appellant had instigated accused No.1 to kidnap the victim, the fact remains that the appellant is aged about 19 years and it appears that he was not aware about the actual age of the victim. Therefore, it is appropriate to grant him 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 appellant is ordered to be enlarged on bail passed in Spl.C.(P).No.44/2026 on the file of Additional District and Sessions Judge, FTSC-I, Chikkamagaluru, for the offences stated supra, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees



One Lakh only) with one surety for the like sum to the satisfaction of the Trial Court.

- iii. The appellant shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.
- iv. The appellant shall appear before the Trial Court on all hearing dates, without fail.
- v. The appellant shall not indulge in any criminal cases till disposal of the case.

In case if 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**

NM