



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 884 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. VIDYADHARA,
S/O SRIDHARA,
AGED ABOUT 31 YEARS,
KOKKARADI VILLAGE,
ANDAJE, BELATHANDI TALUK,
DAKSHINA KANNADA – 574 242.

...APPELLANT

(BY SRI. ARUNASHYAM., SR. ADVOCATE FOR
SRI. SUYOG HERELE E., ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
THROUGH BIRUR STATION,
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU – 560 001.



2. MS. XXXXXXXXXX,
D/O GIREESH,
AGED ABOUT 16 YEARS,
NAGAVANGALA VILLAGE,
AJJMAPURA TALUK,
CHIKKAMAGALURU – 577 547.

...RESPONDENTS

(BY SRI. ANOOPKUMAR M. V., HCGP)

THIS CRL.A. FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING TO ALLOW THIS CRIMINAL APPEAL AND SET ASIDE THE ORDER DATED 25.03.2026 AND DIRECT THE RESPONDENT P.S., TO ENLARGE THE APPELLANT ON REGULAR BAIL IN CONNECTION WITH SPL.C(P).NO.41/2026, ARISING OUT OF CRIME NO.218/2025, REGISTERED BY THE RESPONDENT BIRUR P.S., ON THE FILE OF THE LEARNED ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I AT CHIKKAMAGALURU FOR THE ALLEGED OFFENCE P/U/S 54, 49, 61(2), 143, 144, 96, 65(1), 127(3) OF BNS 2023 AND SEC.4, 17, 19 OF POCSO ACT 2012, U/S.3(2)(va), 3(1)(w)(ii) OF SC/ST (POA) ACT AND SEC.4, 5, 6 OF IMMORAL TRAFFIC PREVENTION ACT 2012 AND U/S.75 OF J.J ACT 1986.

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.10 seeking to set aside the order dated 25.03.2026 passed in Spl.C.(P)No.41/2026 by the Additional District and Sessions Judge FTSC-1 at Chikkamagaluru and to enlarge him on bail in Crime No.218/2025 registered by Birur Police Station for the offences punishable under Sections 54, 49, 61(2), 143, 144, 96, 65(1), 127(3) of Bharatiya Nyaya Sanhita, 2023, Sections 4, 17 and 19 of Protection of Children from Sexual Offences Act, 2012, Sections 4, 5 and 6 of Immoral Traffic Prevention Act, 1956 and Section 75 of Juvenile Justice Act, 1986 and Sections 3(2)(va), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that the victim belongs to scheduled caste and she is the complainant. She has been enticed and wrongfully confined and forcibly subjected to aggravated penetrative sexual assault.



3. On the basis of the information, the respondent-Police have registered a case against accused Nos.1 to 12 and they were apprehended and subsequently, they have been remanded to judicial custody.

4. The submission of the learned Senior Counsel for the appellant is that the appellant is the innocent of the alleged offence. He has not committed any offence as stated in the complaint. He being the customer was not aware of the actual age of the victim and was also not aware that she belonged to a Scheduled Caste. Such being the fact, registering the case for the offences mentioned in the complaint or the FIR would not survive for consideration. Hence, the appellant may be enlarged on bail by imposing suitable conditions. The appellant would abide by the condition to be imposed in the event of his release on bail. Making such submission, learned Senior Counsel for the appellant prays to allow the appeal.

5. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently opposed the contention of the learned Senior Counsel for the appellant and prays to dismiss the appeal stating that the appellant had committed a



heinous offence against the victim, who was a minor and belonged to Scheduled Caste. The manner in which she had been misused by the appellant is highly objectionable and condemnable. Therefore, the appeal may be dismissed. Making such submissions, learned High Court Government Pleader prays to dismiss the appeal.

6. Having heard the learned counsel for the respective parties and also on perusal of the averments of the complaint and FIR, it becomes clear that the victim had undergone mental trauma due to the unfortunate incident that she had faced in her life that her own father pushed her into prostitution in furtherance of common intention with one Mr.Bharath Shetty, who is arrayed as accused No.1 and her father has been arrayed as accused No.2. Though it is stated that the present appellant is arrayed as accused No.10, he has been considered as customer and he was not aware about either the age or the caste of the victim as per the submission of the learned Senior Counsel for the appellant. Considering the said aspect, it is appropriate to grant the bail by considering the facts and circumstances of the case.



7. Hence, I proceed to pass the following:

ORDER

i) The Criminal Appeal is ***allowed***.

ii) The impugned order passed by the learned Additional District and Sessions Judge, FTSC-I, Chikkamagaluru in Crime No.218/2025 dated 04.02.2026 is set aside.

iii) The appellant is directed to be enlarged on bail in Crime No.218/2025 of Birur Police Station, registered for the offences punishable under Sections 54, 49, 61(2), 143, 144, 96, 65(1), 127(3) of Bharatiya Nyaya Sanhita, 2023, Sections 4, 17 and 19 of Protection of Children from Sexual Offences Act, 2012, Sections 4, 5 and 6 of Immoral Traffic Prevention Act, 1956 and Section 75 of Juvenile Justice Act, 1986 and Sections 3(2)(va), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, subject to the following conditions:

a) The appellant shall execute 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 jurisdictional Court.

- b) The appellant shall not threaten the prosecution witnesses.
- c) The appellant shall not hamper the Court proceedings.
- d) The appellant shall not leave the jurisdiction of the Court till disposal of the case.
- e) The appellant shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

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