



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 955 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. HARISH,
S/O VENKATESH,
AGED ABOUT 30 YEARS,
R/AT. VIJAYAPURA,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

PERMANENT RESIDENT AT
DODDAGUTTAHALLI VILLAGE,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT.

...APPELLANT

(BY SRI. VIJAY K V., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY CHINTAMANI RURAL
POLICE STATION,
REPT. BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.



2. ANJINAPPA,
S/O GANGADARAIHAH,
AGED ABOUT 55 YEARS,
R/AT. GUTTAHALLI VILLAGE,
KAIWARA HOBALI,
CHINTAMANI TALUK,
CHICKBALLAPURA DISTRICT.

...RESPONDENTS

(BY SRI. M.V. ANOOPKUMAR., HCGP FOR R1;
R2 SERVED)

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 28.04.2026, AND ALLOW THIS BAIL PETITION, ENLARGING THE APPELLANT/ACCUSED NO.2 ON REGULAR BAIL IN SPL.SC.NO.39/2014(LPR.4/2025), FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 366, 376, 114 R/W 34 OF THE INDIAN PENAL CODE, SECTION 3(1), 3(2)(v) OF SC/ST (POA) ACT), REGISTERED BY THE RESPONDENT POLICE, PENDING BEFORE THE LEARNED I ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPURA.

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 appeal is filed by the appellant/accused No.2 being aggrieved by the order dated 28.04.2026 in Spl.S.C.No.39/2014 passed by the I Additional District and Sessions Judge, Chikkaballapura and seeking for releasing him on regular bail.

Factual matrix of the case:

2. The case of the prosecution is that a complaint came to be registered by the complainant stating that her minor daughter, aged about 16 years 6 months, was abducted by Manjunatha s/o Ramakrishnappa on 16.09.2012 at about 11.00 a.m. It is further stated that they have searched for the whereabouts of the victim; however, they did not get any information about her. On the same day, in the evening, the said Manjunatha telephoned the complainant and threatened that he had kidnapped his daughter and challenged him that he can do whatever he wishes. Thereafter, the complainant even approached the parents of the said Manjunath; however, they also replied



the same. Later, the complainant lodged a complaint before the respondent – Police. The respondent - Police registered a case, conducted investigation and submitted the charge sheet.

3. Heard Sri Vijay K.V., learned counsel for the appellant and Sri M.V. Anoop Kumar, learned High Court Government Pleader for the respondent No.1. Respondent No.2 is served and unrepresented.
4. The submission of learned counsel for the appellant is that the appellant is innocent of the alleged offences and the overt-act against him is that he took the victim and the accused No.1 in his TATA Sumo and gave a pair of toe-rings and a thali to accused No.1 for the purpose of the marriage of the victim and also he has performed their marriage.
5. It is further submitted that the case against accused No.1 has been tried by the Trial Court and accused No.1 has been acquitted after a full-fledged trial. The appellant herein had been absconding due to unavoidable



circumstances and the Trial Court kept the file as long pending record. Now, the appellant has been secured and he has been remanded to judicial custody. Since the main accused has been acquitted in the original case, keeping appellant in judicial custody would not serve any purpose. Therefore, he may be enlarged on bail by imposing suitable conditions. The appellant 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.

6. *Per contra*, learned High Court Government Pleader for the respondent No.1 - State vehemently submitted that the appellant has misused the liberty granted to him. Consequently, the case was pending as a long pending record. Merely because the co-accused has been acquitted in the original case is not a ground to grant the relief as prayed for in the appeal.
7. It is further submitted that the appellant has been secured on issuing warrant. Therefore, it is not appropriate to grant any relief as prayed for in the appeal



and the appeal has to be dismissed. Making such submissions, the learned High Court Government Pleader for the respondent No.1 - State prays to dismiss the petition.

8. Having heard the learned counsel for the respective parties and on perusal of the averments of the charge sheet, it appears that the accused No.1, who is the co-accused in the original case, has been acquitted on a full-fledged trial. Having considered the said aspect, if the appellant is enlarged on bail on imposing suitable conditions that would meet the apprehension of the prosecution.

9. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The impugned order passed by the learned I Additional District and Sessions Judge, Chikkaballapura, in Spl.S.C.No.39/2014 dated 28.04.2026, is set aside.
- iii) The appellant is directed to be enlarged on bail in Spl.S.C.No.39/2014 (LPR.4/2025), registered by the



respondent No.1 - Police, pending before the learned
I Additional District and Sessions Judge, Chikkaballapura,
for the offences punishable under Sections 366, 376, 114
r/w 34 of the Indian Penal Code, Section 3(1), 3(2)(v) of
the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, 1989, subject to the following
conditions:

- a) The appellant shall execute a personal bond for
a sum of Rs.2,00,000/- (Rupees Two Lakh only)
with two sureties for the likesum, to the
satisfaction of the Trial Court.
- b) The appellant shall appear before the Trial Court
on all hearing dates without fail.
- c) The appellant shall not threaten the prosecution
witnesses.
- d) The appellant shall not hamper the Court
proceedings.
- e) The appellant shall not leave the jurisdiction of
the Court till disposal of the case.



- f) The appellant shall not commit or indulge in any other criminal cases 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

Bss
List No.: 1 SI No.: 25