



CNR: KAHC010471382026

NC: 2026:KHC:45689
CRL.A No. 1240 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1240 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI. SHREYAS V.,
S/O. VIJAYA PRAKASH,
AGED ABOUT 20 YEARS,
R/OF PACHAVATI COLONY,
1ST CROSS,
BEHAIND MODERN TALKIES,
SHIVAMOGGA - 577 201.

...APPELLANT

(BY SRI. MAHAMED GUFRAN N., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
DODDAPETE POLICE STATION
SHIVAMOGGA.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SHIVARAJA R.,
S/O. RAMACHANDRA R.,
AGED ABOUT 39 YEARS,

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



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R/OF G.S.K.M. ROAD,
RANGANATHA SWAMY TEMPLE,
BEHIND PANCHAVATHI COLONY,
SHIVAMOGGA – 577 201.
GUARDIAN OF VICTIM

...RESPONDENTS

(BY SRI. DIWAKAR MADDUR., HCGP FOR R1;
R2 IS SERVED AND REPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING TO ENLARGE THE APPELLANT ON BAIL IN SPL.C.NO.172/2026 ARISING IN (CRIME NO.118/2026), REGISTERED BY THE RESPONDENT NO.1, DODDAPETE POLICE STATION SHIVAMOGGA, FOR THE ALLEGED OFFENCES P/U/S 137(2), 127(3), 64(1) OF BNS AND SECTION 6, 17 OF POCSO ACT AND SECTION 9 OF THE PROHIBITION OF CHILD MARRIAGE (KARNATAKA AMENDMENT) ACT 2016 AND SECTION.3(1)((w)(i)(ii), 3(2)(v) OF SC/ST ACT, PENDING BEFORE THE ADDL.DISTRICT AND SESSIONS JUDGE, FTSC-I AT SHIVAMOGGA.

THIS APPEAL IS, 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

1. This appeal is filed by the appellant/accused seeking to set aside the order dated 25.06.2026 passed in Spl.C.No.172/2026 by the learned Additional District and Sessions Judge, FTSC-I (POCSO), Shivamogga and to enlarge him on bail in Crime No.118/2026 registered by Doddapete Police Station for the offences punishable under Sections 137(2), 127(3), 64(1) of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') Sections 6, 17 of Protection of Children from Sexual Offences Act, 2012, Section 9 of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016, Sections 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC/ST' Act).

Factual matrix of the case is as under:

2. It is the case of the prosecution that a missing complaint has been lodged by the maternal uncle of the victim stating that the victim was found missing from his house. Based on the said information, the respondent police registered



the case and proceeded further and secured the victim and recorded her statement. As per the statement of the victim, she was loving the appellant when she was studying in 8th Standard. Now she had completed her first PUC at BGS Gurukula. When her family members came to know her relationship with the appellant, they reprimanded her. Therefore, she had been scolded by the family members. On 25.03.2026, she informed the said fact to the appellant. Consequently, she was asked to come near the Ambedkar Boys Hostel on 31.03.2026 at about 03.00 p.m. As per the said instructions, she went near the hostel. On the said date and time, both the appellant and victim went to the Chikmangalur. It is stated that, on that day the appellant married her near the Shaneshwara temple in Chikmangalur by tying a turmeric thread around her neck. Thereafter, both of them stayed in one home-stay. During their stay, it is alleged that he committed sexual assault on the victim. Thereafter, they came to know that a missing complaint had been lodged by the maternal uncle of the victim, hence, the appellant brought her back to Shivamogga and instructed her to go to Government Girls'



Children Home at Shivamogga. Accordingly, she went there and got admission on 03.04.2026. Her statement was recorded on 06.04.2026. The appellant was arrested on 01.06.2026. The respondent-police after conducting the investigation, submitted the chargesheet.

5. Heard Sri.S.S.Mamadapur, learned counsel for the appellant and Sri.Jamadar, learned HCGP for respondent No.1 – State and Sri.Shivanand V.Pattanashetti, learned counsel for respondent No.2.

6. It is the submission of learned counsel for the appellant that though it is alleged that the appellant had committed penetrative sexual assault on the victim, the fact remains that, her age has not been proved properly by producing the relevant documents. The appellant had been misguided by the victim that she had completed 18 years. Therefore, he married her. However, after coming to know the fact that she had not completed 18 years, he brought her back to Shivamogga and asked her to go and get admission at Government Girls' Children Home. The appellant had been arrested on 01.06.2006. He is in judicial custody. He is the



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earning member of the family. He takes care of the family. If he is released on bail, he would abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions, the learned counsel for the appellant prays to allow the appeal.

8. Per contra, learned High Court Government Pleader vehemently submitted that the victim is aged about 16 years. The prosecution has produced relevant documents to show that she was minor. Even assuming that she had consented for sexual activities, that is not a consent in the eye of law. The Investigating Officer has produced Admission Register Extract which is relevant and admissible in evidence. As per the said document, she was aged about 16 years. The medical report would indicate that she had been subjected to sexual assault. Therefore, the appellant is not entitled for bail. Making such submissions, he prays to dismiss the appeal.

9. Having heard learned counsel for the respective parties and also perused the averments of the charge sheet as well as the statement of the victim, it appears that the victim voluntarily accompanied the appellant. It is also noted here



that she married the appellant and voluntarily went to Government Girls' Children Home at Shivamogga and stayed there. Having considered the facts and circumstances of the case, it is appropriate to grant the relief as prayed for. Hence, I proceed to pass the following:

ORDER

- i) The appeal is allowed.
- ii) The order dated 25.06.2026 passed in Spl.C.No.172/2026 by the learned Additional District and Sessions Judge, FTSC-I (POCSO), Shivamogga is set aside.
- iii) The appellant / accused is ordered to be enlarged on bail in Crime No.118/2026 of respondent - police, on executing a 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 Trial Court, subject to the following conditions:



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- a) The appellant shall not threaten or tamper the prosecution witnesses.
- b) The appellant shall appear before the Trial Court on all hearing dates regularly.
- c) The appellant shall continue his cohabitation with the victim after she attains the age of 18 years, with her consent.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 Sl No.: 28