



CNR: KAHC010485622026

NC: 2026:KHC:46219
CRL.A No. 1221 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1221 OF 2026

BETWEEN:

NAGARAJU,
S/O. LATE NINGANNA,
AGED ABOUT 45 YEARS,
R/AT: MALLAPPANAHALLI,
KUDUR HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT - 562 130,
PRESENTLY CONFINED IN
JUDICIAL CUSTODY.
PH.NO.9844985650.

...APPELLANT

(BY SRI. PAVAN SAGAR., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY KUDUR POLICE STATION,
MAGADI SUB-DIVISION,
RAMANAGARA DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.



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2. SMT. PARVATI,
W/O. GANGANNA,
AGED ABOUT 40 YEARS,
R/AT: ANTARAGANGEPALYA,
KUDUR TOWN, KUDUR HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT - 562 130.

...RESPONDENTS

(BY SRI.M.V.ANOOPKUMAR, ADDL. S.P.P. FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT
PRAYING TO ENLARGE THE APPELLANT ON BAIL IN
CONNECTION WITH SPL.C.NO.96/2025 ARISING OUT OF
CR.NO.67/2025 REGISTERED BY KUDUR P.S., RAMANAGARA
DISTRICT, FOR THE OFFENCE P/U/S 64(2)(K) OF BNS, 2023,
U/S 3(2)(v) OF SC/ST (POA) AMENDMENT ACT, 2015, PENDING
BEFORE THE I ADDL. DISTRICT AND SESSIONS JUDGE AND
SPECIAL JUDGE, RAMANAGARA.

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

The appellant is before this Court seeking regular bail in Spl.C.No.96/2025 on the file of the I Additional District and Sessions Judge and Special Judge, Ramanagara, passed vide its order dated 24.10.2025.

2. Heard Sri. Pavan Sagar, learned counsel for the appellant and Sri. M.V.Anoop Kumar, learned Additional SPP for respondent No.1.

3. The case of the prosecution is that the complaint came to be filed by the sister of the victim stating that on 01.03.2025 at about 5:30 p.m., when her sister was alone at home, the appellant who belongs to upper community trespassed into the house of victim and committed sexual intercourse with her. By that time, the complainant entered into the house and saw that the appellant was in naked and immediately raised her voice and called the neighbors. The neighbors rushed to the spot and caught hold of the appellant but he escaped from the spot and later he was arrested on



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23.05.2025. The investigation has been completed and charge sheet is submitted by the respondent-Police.

4. The submission of the learned counsel for the appellant is that the victim has not been subjected to medical examination. Unless they obtain the report from a Doctor, it cannot be ascertained whether the victim has been subjected to rape or not. Merely because there are seminal stains found on the nighty which was allegedly worn by the victim at the time of the incident, it cannot be asserted that she had been subjected to rape. The appellant is the only son who has look after his family and he had recently lost his father and there is ceremony to be performed by the appellant. Therefore, the appellant 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 Additional SPP for the State vehemently objected the contentions raised by the learned counsel for the appellant and further submitted that the victim



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is a mentally retarded women. The complainant was taking care of her and when the victim was alone at home, the appellant with an intention to commit sexual intercourse entered into the house and he has committed the said act. By that time, the complainant entered into the house and found the appellant naked in her house. Therefore, she lodged the complaint. Due to some various reasons, she might not have given permission to conduct the medical examination of her sister. However, DNA test would indicate that the appellant has committed sexual assault on the victim. Therefore, it is not appropriate at this stage to grant the relief as prayed in the appeal.

6. Having heard the learned counsel for the respective parties and also on perusal of the averments of the complaint as well as averments of the charge sheet made available by the learned counsel for the appellant, it cannot be said that the appellant committed alleged offence on account that the victim belongs to Schedule Caste. Moreover, the victim has not been subjected to medical examination to determine as to whether she had been subjected to rape or not. Having considered



these two aspects, it is appropriate to grant the relief as prayed for in the appeal.

7. 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, Ramanagara in Spl.C.No.96/2025 dated 24.10.2025 is set aside.
- iii) The appellant is directed to be enlarged on bail in Crime No.67/2025 of Kudur Police Station, Ramanagara District registered for the offences punishable under Section 64(2)(k) of the Bharatiya Nyaya Sanhita, 2023, Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, subject to the following conditions:
 - a) Appellant shall execute 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 jurisdictional Court.
 - b) Appellant shall not threaten the prosecution witnesses.



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- c) Appellant shall appear before the Trial Court on all dates of hearing.
- d) Appellant shall not hamper the Court proceedings.
- e) Appellant shall not leave the jurisdiction of the Court till disposal of the case.
- f) Appellant shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

Sd/-
(S RACHAIAH)
JUDGE