



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.10939 OF 2025

BETWEEN:

SRI.SWAMY @ POOJARI SWAMY
S/O GOVINDAIAH
AGED ABOUT 51 YEARS
RESIDING AT
IPANAHALLY VILLAGE
AKKIHEBBAL HOBLI
K.R.PETE TALUK
MANDYA DISTRICT - 571605

...PETITIONER

(BY SRI.SHUBHANKAR C, ADVOCATE FOR
SRI.RAGHAVENDRA H S, ADVOCATE)

AND:

1. STATE BY K.R.PETE RURAL POLICE STATION
K.R. PET TOWN
MANDYA DISTRICT
REP BY SPP
HIGH COURT OF KARNATAKA
BENGALURU -560001
2. SMT.RATHNAMMA
W/O RAMESH
AGED ABOUT 38 YEARS
RESIDING AT
IPANAHALLY VILLAGE



AKKIHEBBAL HOBLI
K.R.PETE TALUK
MANDYA DISTRICT - 571605

...RESPONDENTS

(BY SMT.RASHMI JADHAV, ADDL. SPP FOR R.1;
SMT.VANITHA V.M, ADVOCATE FOR R.2)

THIS CRL.P IS FILED U/SEC.439 CR.PC (FILED U/S 483 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE
PETITIONER ON BAIL IN SPL.C.NO.107/2025, IN CR.NO.72/2025,
REGISTERED BY THE K.R PET RURAL P.S FOR THE ALLEGED
O/P/U.SEC.329(4), 126(2), 75, 351(2), 64, 32 OF THE BNS, 2023 AND
U/SEC.8, 12, 18 OF POCSO ACT, PENDING CONSIDERATION ON
THE FILE OF THE ADDL. SESSIONS AND SPECIAL JUDGE, FTSC-II,
MADYA AND THAT FOR THE REASONS STATED ABOVE AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Spl.Case No.107/2025 pending before the
Court of Additional Sessions Judge, FTSC-II, Mandya
arising out of the Crime No.72/2025 registered by the
K.R.Pet Rural Police Station, Nagamangala Sub Division,
Mandya for the offences punishable under Sections



329(4), 126(2), 75, 115(2), 351(2), 64 and 62 of the Bharatiya Nyaya Sanhita (BNS), 2023, Sections 8, 12 and 18 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act, 2012') and Sections 9 and 10 of the Prohibition of Child Marriage Act is before this Court in this petition filed under Section 483 of Bharathiya Nagarika Suraksha Sanhita (BNSS), 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.72/2025 was registered for the aforesaid offences against the petitioner herein based on the first information dated 20.03.2025 received by respondent No.2, who is the mother of the victim girl. In the said case, the petitioner aged about 52 years was arrested on 25.03.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against him for the aforesaid offences. His bail application filed before the trial Court in Spl.C.No.107/2025 was rejected on 01.07.2025. Therefore, he is before this Court.



4. Learned counsel appearing for petitioner submits that there is no allegation of penetrative sexual assault committed by the petitioner. He is in custody for the last more than a year. Victim and other material charge sheet witnesses are already examined before the trial Court. The petitioner has no criminal antecedents. Accordingly, prays to allow the petition.

5. *Per contra*, the learned Additional State Public Prosecutor and learned counsel appearing for respondent No.2 have opposed the petition. Learned counsel appearing for respondent No.2 submits that the victim was a minor studying in 9th Standard and in the event the petitioner is enlarged on bail, he is likely to tamper with the material prosecution witnesses. Accordingly, prays to dismiss the petition.

6. The material on record would go to show that petitioner is a neighbour of the first Informant. The allegation against the petitioner is that on 20.03.2025,



when the victim girl was alone in her house, he allegedly forced himself into the house and after criminally intimidating the victim girl, he removed her dress and touched her body inappropriately. It is under these circumstances, FIR was registered against the petitioner on the allegation that he had attempted to rape the minor daughter of the first Informant. During the course of investigation, the victim girl and her mother did not co-operate for the medical examination of the victim girl. Investigation of the case is completed and charge sheet is filed.

7. The petitioner aged 52 years and having no other criminal antecedents is in custody for the last more than one year. It is brought to the notice of this Court that as on date, the victim girl and other material charge sheet witnesses have already been examined before the trial Court. Therefore, there cannot be any apprehension that if the petitioner is enlarged on bail, he may tamper with the material prosecution witnesses. Even in the statement



of the victim girl recorded under Section 183 of BNSS, 2023, she has not made any allegation against the petitioner of he committing any act of penetrative sexual assault on her. Under the circumstances, the following:

ORDER

The Criminal Petition is ***allowed***.

The petitioner is directed to be enlarged on bail in Spl. Case No.107/2025 pending before the Court of Additional Sessions Judge, FTSC-II, Mandya arising out of the Crime No.72/2025 registered by the K.R.Pet Rural Police Station for the offences punishable under Sections 329(4), 126(2), 75, 115(2), 351(2), 64 and 62 of the BNS, 2023 and under Sections 8, 12 and 18 of the POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act subject to the following conditions:

- a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;



b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

Sd/-
(S VISHWAJITH SHETTY)
JUDGE