



CNR: KAHC010506132026

NC: 2026:KHC:51050
CRL.P No. 11045 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11045 OF 2026

BETWEEN:

SHARATH KUMAR V
S/O VIJENDRA NAIK,
AGED ABOUT 26 YEARS
R/AT LAMBANI THANDA,
PANDOMATTI, PANDOMATTI
DAVANGERE, CHANNAGIRI
KARNATAKA - 577 213

...PETITIONER

(BY SRI. MURALI R.,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BASAVESHWAR NAGAR P.S
(REP BY SPP)
HIGH COURT OF KARNATAKA
KGID BUILDING
BANGALORE - 560 001
2. SHRUTHI B.
W/O LATE RUDRAPPA
AGED ABOUT 32 YEARS
R/AT NO. 188, SHIVANARAYANA HOUSE,
GROUND FLOOR, MAHAGANAPATHI NAGARA,
BW NAGARA, BENGALURU - 560 079

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1
R2 VIDE ORDER DATED 24.08.2026, NOTICE HELD SUFFICIENT)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) BY
THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO GRANT REGULAR

Digitally signed
by NANDINI M
S

Location: HIGH
COURT OF
KARNATAKA



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BAIL TO HIM IN SPL.C.NO.1014/2026 ARISING OUT OF CR.NO.72/2026 REGISTERED BY THE RESPONDENT IN BASAVESHWARA NAGARA P.S., FOR THE OFFENCES P/U/S 87,127(4),64(2)(M) OF BNS, U/S 6 OF POCSO ACT, 2012, PENDING BEFORE THE HONBLE ADDL. CITY CIVIL AND SESSIONS JUDGE (FTSC-V) AT BENGALURU.

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.C.C.No.1014/2026, pending before the Additional City Civil and Sessions Judge (FTSC-V) at Bengaluru, arising out of Crime No.72/2026 registered by Basaveshwara Nagara Police Station, Bengaluru for the offences punishable under Section 87, 127(4), 64(2)(m) of BNS and under Section 6 of Protection of children from Sexual Offences Act, 2012, is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the petitioner and learned High Court Government Pleader appearing for the



respondent-State. Respondent No.2 though served in the matter has remained un-represented before this Court.

3. FIR in Crime No.72/2026 was registered by Basaveshwara Nagara Police Station, Bengaluru for the offence punishable under Section 137(2) of BNS, 2023, against unknown person based on the first information dated 18.02.2026 received from respondent No.2 who is the mother of the victim girl.

4. In the said case the petitioner was arrested on 02.04.2026 and remanded to judicial custody. After completing investigation, charge sheet is filed against the petitioner for the aforesaid offences. His bail application filed before the Trial Court in Criminal Misc. No.5207/2026 was rejected on 04.07.2026. Therefore, he is before this Court in this petition.

5. Perusal of the material on record would go to show that the husband of the first informant had died in the year 2014. After the death of her husband, first



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informant was employed as a 'D' group employee at Indana Bhavana at Bengaluru on Compassionate Ground. Since, first informant was not well, she was admitted in Ramaiah Hospital. Her minor daughter was staying in her house and first informant was regularly speaking to her. On 04.02.2026, the first informant was informed that her minor daughter was not at home and therefore she had contacted her acquaintance Srinivas and asked him to find out the whereabouts of her daughter. In spite of all efforts, minor daughter of the first informant could not be traced and under these circumstances on 18.02.2026 she approached the police and based on her first information, FIR was registered for the offence punishable under Section 137(2) of BNS, 2023 against the unknown person.

6. During the course of investigation, petitioner and the victim girl were traced together and the petitioner was arrested on 02.04.2026 and remanded to judicial custody. Statement of the victim girl under Section 183 of BNS,2023 was recorded in the present case by the



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jurisdictional Magistrate. A reading of the same would reveal that when the first informant was in the hospital, some boys who are said to be the classmates of the victim girl had come to their house and therefore first informant had scolded the victim girl. It appears that aforesaid Srinivas had also abused the victim girl for the said reason, and under these circumstances, the victim girl had called, the petitioner herein over phone on 04.02.2026 and had left her house. Subsequently, she had gone to petitioner's sister house and also his mother's house and stayed there. Thereafter, she came to know about the complaint lodged by her mother before the police and therefore, she had returned home. In her statement, recorded under section 183 BNS 2023, the victim girl has not stated anything about commission of penetrative sexual assault made on her by the petitioner. She has only stated that petitioner had misbehaved with her and physically used her.



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7. The investigation of the case is now completed and charge sheet is filed. After the statement of the victim girl was recorded under Section 180 of BNS 2023 by the police and under Section 183 of BNS, 2023 by the Jurisdictional Magistrate, her further statement was once again recorded by the police. In all the aforesaid statements, there are lot of inconsistencies. The petitioner is aged 26 years, and for the last five months he is in judicial custody.

8. Considering the aforesaid aspects and circumstances of the matter and also the nature of allegations found against the petitioner, I am of the opinion that, the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

- i) The Criminal Petition is **allowed**.



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ii) The petitioner is directed to be enlarged on bail in Spl.C.C.No.1014/2026, pending before the Additional City Civil and Sessions Judge (FTSC-V) at Bengaluru, arising out of Crime No.72/2026 registered by Basaveshwara Nagara Police Station, Bengaluru for the offences punishable under Section 87, 127(4), 64(2)(m) of BNS and under Section 6 of Protection of children from Sexual Offences Act, 2012, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- 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;



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

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

HR
List No.: 1 Sl No.: 51