



CNR: KAHC010506942026

NC: 2026:KHC:43960
CRL.A No. 1256 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO.1256 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. UMESH,
S/O. SHASHIDHARA,
AGED ABOUT 22 YEARS,
R/OF BYADARAHALLI,
GOLLARAHATTI VILLAGE,
SETTIKERE HOBLI,
C.N. HALLI TALUK,
TUMAKURU DISTRICT.

...APPELLANT

(BY SRI. A. N. RADHA KRISHNA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY C.N. HALLI POLICE,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.



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2. KUM. HEMALATHA D,
D/O. DEVARAJU,
AGED ABOUT 20 YEARS,
R/OF ASHRIYAL VILLAGE,
KANDIKERE HOBLI,
C.N. HALLI TALUK,
TUMKURU DISTRICT.

...RESPONDENTS

(BY SRI. S. JAVEED., HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING TO GRANT BAIL TO THE APPELLANT AND SET ASIDE THE ORDER DATED 07.11.2025, PASSED BY THE LEARNED III ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU, IN THE CRL.MISC.PETITION.NO.1591/2025 ARISING OUT OF CRIME.NO.108/2025 REGISTERED BY THE C.N. HALLI POLICE, FOR THE OFFENCES P/U/S 70(1), 351(2), 61(2), 3(5) OF THE BNS 2023 AND 3(1)(w)(i), 3(2)(v-a) OF SC/ST ACT 2025.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant/accused No.3 seeking to set aside the order dated 07.11.2025 in CrI.Misc.Pet.No.1591/2025 by the learned III Addl. District and Sessions Judge, Tumakuru and enlarge him on regular bail in Spl.C.No.521/2025 arising out of Cr.No.108/2025 of respondent No.1 - Police, for the offences punishable under Sections 70(1), 351(2), 61(2) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC & ST (POA) Act').
2. The ranks of the parties will be considered, henceforth as per their rankings before the Trial Court.

Factual matrix of the case:

3. The case of the prosecution is that the victim was residing with her parents and she was studying in the I Year B.A. course at the Government First Grade College, Chikkanayakanahalli. The accused Nos.1 and 2 and the



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victim had known each other for the past one year. During the said period, she was in a relationship with a boy named Suresh. When the accused No.1 invited her to his room, she blocked his mobile number. Accused No.2, used to visit the house of one Shivamma, who resides in the same village, and through her son-Gangadhara, accused No.2 would regularly speak with the victim.

4. On 09.06.2025, while the victim was returning home from Chikkanayakanahalli after her classes, accused No.2 followed her and asked her to sit on his motorcycle on the pretext of dropping her home. She refused to accompany him and travelled by bus instead. Somehow, accused No.2 approached her again around 10:30 p.m., asked her to come out of her house, and waited for her. She came out of her house under the pretext of talking to him. In the meantime, two other accused persons who were standing there grabbed her, covered her mouth, and dragged her to a nearby field. Accused No.1 committed penetrative sexual assault on her and thereafter, accused Nos.2 and 3 also committed penetrative sexual assault on



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the victim. They threatened her not to disclose the incident to anyone. Out of fear, she remained quiet. Thereafter, she had her menstrual periods, and later, having gathered the courage, she informed her parents about the incident.

5. Based on the complaint, the respondent-police registered a case, conducted an investigation, and submitted the charge sheet.
6. Heard Sri. A.N. Radhakrishna, learned counsel for the appellant, Sri S. Javeed, learned High Court Government Pleader for respondent No.1 – State. Respondent No.2 is served and unrepresented.
7. The submission of learned counsel for the appellant is that the findings of the Trial Court in rejecting the bail is erroneous and improper for the reason that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. The victim has not identified the appellant nor stated his name in the complaint. It is submitted that the statement of the



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victim indicates she was aged about 19 years at the time of the incident.

8. It is further submitted that the alleged incident did not occur on the ground that the victim belonged to the Scheduled Caste. Though it is alleged that she was subjected to rape, the fact remains that the medical report discloses that, no external injuries were found on the victim. Having considered this aspect, as well as the delay in lodging the complaint without any satisfactory explanation, the appellant may be enlarged on bail by imposing suitable conditions. The appellant undertakes to abide by any conditions that may 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.
9. *Per contra*, the learned High Court Government Pleader for the respondent No.1 - State vehemently submitted that the act of the appellant and others in committing gang rape on the victim belonging to the Scheduled Caste



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is highly condemnable and unfortunate. The manner in which the victim has narrated about the incident in her complaint clearly discloses the inhuman acts committed by the appellant and the other accused.

10. It is further submitted that in a democratic society, if women belonging to weaker sections are unable to secure protection from the Society or under the Constitution, it is unfortunate for the entire fraternity. The victim, a college-going girl, was taken to a nearby field and subjected to gang rape, which is established not only by medical evidence but also by her own statement. Merely because there is a delay in lodging the complaint, it does not take away the veracity of the entire prosecution case. Therefore, the appellant is not entitled to any relief as prayed for in the appeal. Making such submissions, learned High Court Government Pleader for respondent No.1 - State prays to dismiss the appeal.
11. Having heard learned counsel for the respective parties and on perusal of the averments in the complaint as well



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as the charge sheet, it appears that the victim was studying in I Year B.A. course and used to attend college every day. In the meantime, accused No.1 developed an intimacy with her on the pretext of treating her like a sister. Later, she fell in love with one Mr. Suresh; however, accused No.1 threatened to do away with his life, consequently forcing him to leave her. In the meantime, accused No. 2 developed intimacy with the victim on the pretext of loving her. Thereafter, it is alleged that accused Nos. 1 to 3 committed gang rape on her on 09.06.2025. Hence, she lodged a complaint on 08.07.2025.

12. Be that as it may, the alleged incident occurred in an open field. However, the medical report indicates that no external injuries were found either on her body or her private parts. Having considered these facts, this Court deems it appropriate to grant the relief as prayed for.
13. In the light of the observations made above, I proceed to pass the following:



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ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The order dated 07.11.2025 in CrI.Misc.Pet.No. 1591/2025 passed by the learned III Addl. District and Sessions Judge, Tumakuru is set aside.
- iii) The appellant is ordered to be enlarged on bail in Spl.C.No.521/2025 arising out of Cr.No.108/2025 of respondent No.1 - Police, pending on the file of the III Addl. District and Sessions Judge, Tumakuru, for the aforesaid offences, on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the Trial Court.
- iv) The appellant shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.
- v) The appellant shall appear before the Trial Court on all hearing dates without fail.
- vi) The appellant shall not involve in any criminal cases till disposal of the case.



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In case, the appellant violates any of the bail conditions stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 Sl No.: 6