



NC: 2026:KHC:21861
CRL.P No. 11453 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CRIMINAL PETITION NO. 11453 OF 2025

BETWEEN:

SUBRATA BERA
S/O NITAI BERA
AGED ABOUT 28 YEARS
PRESENTLY R/AT
YUSUFS HOUSE, 1ST CROSS
NEAR ANJANEYA TEMPLE
AMEDKAR NAGARA, KORAMANGALA
BENGALURU-560 047

PERMANENTLY R/AT
GOPALAPURA VILLAGE
HATGOPALPUR POST, EAST
MIDNAPORE DISTRICT
WEST BENGAL

...PETITIONER

(BY SRI. MUNIRAJA M, AMICUS CURIAE)

AND:

1. STATE OF KARNATAKA
BY HAL P.S
REP. BY SPP
BENGALURU-560 001
2. KAJAL DAS
S/O SUDHINDRA DAS
AGED ABOUT 43 YEARS
R/AT GROUND FLOOR





HOMPTON COURT
BEHIND RASAGANGA HOTEL
BELLANDUR
BENGALURU-560 103

...RESPONDENTS

(BY SMT. WAHEEDA M.M, HCGP FOR R1;
SMT. VARSHITHA A/W
SRI. DEEPAK, ADVOCATES FOR R2)

THIS CRL.P IS FILED UNDER SECTION 439 OF CR.P.C (FILED UNDER SECTION 483 BNSS) PRAYING TO ENLARGE HIM ON BAIL IN SPL.C.NO.947/2025 ARISING OUT OF CR.NO.96/2025 OF RESPONDENT HAL POLICE FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 65(1) OF BNS R/W SECTION 4(2) AND 6, 15(1) OF POCSO R/W SECTION 67(B) OF IT ACT 2000, PENDING ON THE FILE OF THE ADDL. CITY CIVIL AND SESSIONS JUDGE, FTSC-5 AT BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. This petition is filed under Section 483 of BNSS, seeking bail by the petitioner in respect of Crime No. 96/2025 of HAL Police Station, Bengaluru (Spl. C. No. 947/2025) for the offence punishable under Sections 65(1) of BNS read with Sections 4(2), 6 and 15(1) of POCSO Act,



2012 and Section 67(B) of Information Technology Act, 2000.

2. Sri. Muniraju, is appointed as Amicus Curiae by this Court to represent the petitioner, as the learned counsel appearing for the petitioner was not representing in the matter regularly.

3. Sri. Muniraju, learned Amicus Curiae contended that the incident happened on 22.11.2012 and there is delay of more than 3 to 4 months in lodging the complaint and the involvement of the petitioner in the alleged incident itself is questionable and therefore learned Amicus Curiae submitted that, the petitioner has to be enlarged on bail. In this regard, by referring to the medical legal examination report of sexual violence, learned Amicus Curiae contended that, the competent persons - guardians of the victim have not signed the said document. Therefore he sought for interference of this Court to enlarge the petitioner on bail. He also referred to the judgment of the Hon'ble Supreme Court in the case of **Ms.**



Y Vs. State of Rajasthan and another reported in **(2022) 9 SCC 269**. While referring to paragraph No. 12 of the above judgment, learned Amicus Curiae argued that, the parameters for granting or refusal of bail has been laid down by the Hon'ble Supreme Court and applying the aforementioned principles to the case on hand, it is argued by Sri. Muniraju, learned Amicus Curiae that the petitioner has to be enlarged on bail.

4. Per contra, Smt. Varshitha appearing for Sri. Deepak Bhaskar, learned counsel for respondent No. 2 and Smt. Waheeda M.M. learned HCGP appearing for the respondent – State submitted that since heinous crime has been committed against the victim, who is aged about 15 years 10 months old, no bail could be granted in favour of the petitioner. It is also submitted by the learned counsel representing the respondents that the petitioner herein has committed a heinous crime against a minor which is against the societal interests and they sought for dismissal of the petition.



5. Having taken notice of the submissions made by the learned counsel appearing for the parties, the petitioner is an accused in Crime No. 96/2025 of HAL Police Station, Bengaluru , for the offences punishable under Section 65(1) of BNS read with Sections 4(2), 6 and 15(1) of POCSO Act, 2012 and Section 67(B) of Information Technology Act, 2000. A careful consideration of the petition papers would indicate that the victim is aged about 15 years 10 months. It is also forthcoming from the petition papers that the victim is pregnant of 5 weeks as on 17.03.2025 as per the complaint. Taking into consideration the material on record, the alleged offences are non-bailable in nature and the case of the complainant was that the petitioner and the victim intended to marry and also it is alleged that the petitioner had taken the naked photograph of the victim. Taking into consideration the age of the victim and also the age of the accused is 28 years, I am of the view that though chargesheet is filed in the aforementioned proceedings, the petitioner may deter



the witnesses and therefore I am of the view that the petition does not survive for consideration.

6. Insofar as the judgment referred to by the learned Amicus Curiae appearing on behalf of the petitioner, I have carefully examined the grounds stated in the said judgment on which bail has to be granted or not. Taking into consideration, that the victim is aged about 15 years and 10 months and also, the nature and gravity of the accusation made against the petitioner is grave in nature. Therefore, I am of the view that the judgment referred to by the learned Amicus Curiae cannot be accepted to enlarge him on bail. Accordingly petition is dismissed.

7. The service rendered by the learned Amicus Curiae is placed on record and I am of the view that the Legal Services Authority, Bengaluru be directed to pay the learned Amicus Curiae a sum of Rs.10,000/- as fee for assisting the Court in this petition.



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8. Copy of this order be made available to the
Karnataka State Legal Services Authority, Bengaluru.

**SD/-
(E.S.INDIRESH)
JUDGE**

LRS
List No.: 1 Sl No.: 1