



CNR: KAHC010536332026

NC: 2026:KHC:49474  
CRL.P No. 11731 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 10<sup>TH</sup> DAY OF SEPTEMBER, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY**  
**CRIMINAL PETITION NO. 11731 OF 2026**

**BETWEEN:**

SRI GAGAN KUMAR  
S/O VENKATESH  
AGED ABOUT 21 YEARS  
R/AT R. CHOKKANAHALLI VILLAGE  
CHIKKABALLAPURA TALUK  
KARNATAKA - 561 101  
(PETITIONER IS PRESENTLY IN  
JUDICIAL CUSTODY FROM 04-06-2026)

...PETITIONER

(BY SRI ARAVIND REDDY, ADV., FOR  
SRI SURESH S, ADV.)

**AND:**

STATE BY KARNATAKA  
BY PERESANDRA P S  
CHIKKABALLAPURA TALUK  
REPRESENTED BY SPP  
HIGH COURT BUILDING  
HIGH COURT OF KARNATAKA  
BENGALURU - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS)  
PRAYING TO ENLARGE THE PETITIONER/ACCUSED ON REGULAR  
BAIL U/S 483 OF BNSS, 2023, ARISING OUT OF CR.NO.108/2026  
REGISTERED BY THE RESPONDENT IN PERESANDRA P.S., FOR THE  
OFFENCES P/U/S 115(2) AND 64(2)(m) OF BNS, 2023, PENDING  
BEFORE THE III ADDL. DISTRICT AND SESSIONS JUDGE,  
CHIKKABALLAPURA.

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

Digitally  
signed by  
NANDINI M S  
Location:  
HIGH COURT  
OF  
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

**ORAL ORDER**

1. Accused in Crime No.108/2026 registered by Peresandra Police Station, Chikkaballapura, for the offences punishable under Sections 115(2) and 64(2)(m) of BNS, 2023, is before this Court in this petition filed under Section 483 of BNSS, 2023, seeking regular bail.
2. Heard the learned counsel for the parties.
3. FIR in Crime No.108/2026 was registered by Peresandra Police Station, Chikkaballapura, for the aforesaid offences against petitioner herein based on the first information dated 03.06.2026 received from the victim girl aged 19 years. During the course of investigation, petitioner was arrested on 03.06.2026 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.333/2026 was rejected on 10.07.2026. Therefore, he is before this Court.



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4. Perusal of the material on record would go to show that petitioner is the maternal uncle of the victim girl. In the first information, it is alleged that on 02.06.2026, victim girl had come to her village to attend the birthday function of her maternal aunt's daughter. After getting down from the bus in her village, she allegedly telephoned to the petitioner and asked him to drop her to her maternal aunt's house. After the birthday function was over, on the very same day, at about 07.30 p.m. she once again asked petitioner, who is her maternal uncle, to drop her to the bus stand. Petitioner, who took her in his motor cycle allegedly raped her after taking her to the eucalyptus trees plantation in their village. It is under these circumstances, FIR was registered against the petitioner.

5. During the course of arguments, learned counsel for the petitioner has produced charge sheet in Crime No.133/2024 registered by Chikkaballapura Women Police Station, Chikkaballapura, for the offences punishable under the provisions of the POCSO Act, 2012 and Section 64 of BNS, 2023. Victim girl in the present case and her younger sister are the alleged victims in the said case. Reading of the charge



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sheet in Crime No.133/2024 and also statement of the alleged victims in the said case would reveal that since they were ill-treated in their parents house by their father, they had voluntarily left their house and thereafter, gone along with accused Nos.1 and 2 named in Crime No.133/2024. Subsequently, based on the police complaint given by parents of the victim girls, the accused named in Crime No.133/2024 and the victims were traced and after completing investigation, charge sheet is filed.

6. The alleged incident in the present case had taken place on 02.06.2026 and FIR is registered on 03.06.2026 for the aforesaid offences against the petitioner. Immediately thereafter victim girl was subjected to medical examination and it was found that as on the said date, she was pregnant by four weeks. There is no allegation against the petitioner that he had sexual intercourse with her at any point of time prior to 02.06.2026. Considering the aforesaid aspects of the matter, I am of the opinion that petitioner aged 21 years, who has no other criminal antecedents and is in custody for the last more



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than three months, is entitled for the relief sought for in this petition. Accordingly, the following order:-

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.108/2026 registered by Peresandra Police Station, Chikkaballapura, for the offences punishable under Sections 115(2) and 64(2)(m) of BNS, 2023, subject to the following conditions:

- a) Petitioner shall execute a 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;
- 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



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Court until the case registered against him is  
disposed off.

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

DN  
List No.: 1 Sl No.: 63