



CNR: KAHC010546772026

NC: 2026:KHC:49583
CRL.P No. 12099 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12099 OF 2026

BETWEEN:

1. MR. HABHIBUR ISLAM @ HABI REHAMAN
S/O ABDUL HAKIM
AGED ABOUT 21 YEARS
R/AT AVANTHI ESTATE
MUDIGERE TALUK
CHIKKAMAGALURU - 577 132
PERMANENT RESIDENT OF BECHIMARI
VILLAGE, BORCHRAIRA BHAGICHA
ORANG TALUK, DARRANG DISTRICT
ASSAM-784514.

...PETITIONER

(BY SRI PAVAN KUMAR, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY BALEHONNUR POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560 001.
2. XXX

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
NOTICE TO R-2 IS H/S V/O DTD:09.09.2026)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS)
PRAYING TO ALLOW THE PRESENT PETITION AND THEREBY DIRECT
THE RESPONDENT POLICE TO RELEASE THE PETITIONER ON BAIL
ARISING OUT OF CR.NO.68/2026 DTD 24.06.2026, FOR THE
OFFENCES P/U/S 137(2),127(4),62(2)(m),65(1) OF BNS, 2023, U/S
6 OF POCSO ACT AND CONSEQUENTLY SET ASIDE THE ORDER DTD
27.07.2026 ARISING OUT OF CR.NO.68/2026, PENDING BEFORE THE

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



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ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I, CHIKKAMAGALURU,
PRODUCED AS DOCUMENT NO.3.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused in Crime No.68 of 2026 registered by Balehonnur Police Station, Chikkamagaluru District for offences punishable under Section 137(2), 64(2)(m), 127(4) of BNS, 2023 and Section 6 POCSO Act, 2012 is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard learned counsel for petitioner and learned counsel for respondent no.1. Respondent no.2, who is served in the matter has remained unrepresented.

3. FIR in Crime No.68 of 2026 was registered by Balehonnur Police Station, Chikkamagaluru District against the petitioner herein, based on the first information dated 24.06.2026 received from the mother of the victim girl. During the course of investigation, petitioner was arrested on



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25.06.2026 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.68 of 2026 was rejected on 21.07.2026. Therefore, he is before this Court.

4. In the first information dated 24.06.2026 submitted by the mother of the victim girl, she has stated that victim girl was found missing from their house on 08.03.2026. In the month of June, 2026, the first informant's son allegedly had received a phone call from the victim girl, who informed him that petitioner had forcibly taken her along with him to Assam State and while they were living together, he had sexual intercourse with her. The victim girl had allegedly also stated that she did not want to continue her relationship with the petitioner. It is under these circumstances, on 24.06.2026, mother of the victim girl had approached the police.

5. Though the victim was found missing on 08.03.2026 itself, her parents had not approached the police for more than 3 months and it is only after allegedly receiving a phone call from the victim girl stating that she was willing to



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come back, they had approached the police. After FIR was registered in the present case, though the victim girl was taken to hospital for her medical examination, record would reveal that she had not cooperated for her medical examination. The statement of the victim girl under Section 183 of BNSS, 2023 was recorded in the present case by the jurisdictional Magistrate wherein she has stated she had voluntarily left her house along with petitioner and had gone and stayed with him. She has also stated that, she is not willing to stay with her parents, who are drunkards and she is willing to live with the petitioner.

6. Petitioner aged 21 years is in custody from 25.06.2026. Investigation of the case is already completed. Considering the nature of allegations found against the petitioner and also having regard to the age of the petitioner and the victim, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-



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ORDER

- (i) Criminal petition is allowed.
- (ii) The petitioner is directed to be enlarged on bail in Crime No.68 of 2026 registered by Balehonnur Police Station, Chikkamagaluru District for offences punishable under Section 137(2), 64(2)(m), 127(4) of BNS, 2023 and Section 6 of POCSO Act, 2012, 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.
 - e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of



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the said Court until the case registered against him is disposed off.

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

NMS
List No.: 1 SI No.: 48