



CNR: KAHC010556642025

NC: 2026:KHC:49488
CRL.A No. 1728 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 1728 OF 2025 (U/S 14(A) (2))**

BETWEEN:

1. DINESH N. M. @ DINESH,
S/O MAHADEVAPPA @ DISH MAHADEVA,
AGED ABOUT 28 YEARS,
R/AT NADABHOGANAHALLI VILLAGE,
SHEELANERE HOBLI,
K R PET TQ,
MANDYA DISTRICT,
KARNATAKA – 571 426.

...APPELLANT

(BY SRI. K.L. SREENIVAS., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY K R PET RURAL P.S.,
REP BY HCGP,
HIGH COURT OF KARNATAKA
BANGALORE – 560 001.
2. PREMA,
W/O. REVANNA,
AGED ABOUT 35 YEARS,
R/AT NADABHOGANAHALLI VILLAGE,
SHEELANEREHOBLI,

Digitally
signed by
SUSHMA
LAKSHMI B S
Location:
High Court of
Karnataka



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K R PET TQ,
MANDYA DISTRICT,
KARNATAKA - 571 426.

...RESPONDENTS

(BY SRI. M. V. ANOOPKUMAR. ADDL. SPP FOR R1;
SMT. MAITREYI KRISHNAN, ADVOCATE FOR R2)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 15.07.2025, PASSED BY THE ADDL. DIST. & SESSIONS JUDGE, FTSC-II AT MANDYA, IN SPL.CASE.NO.09/2025 (CRIME NO.235/2024) OF K.R PET RURAL P.S., AND GRANT THE REGULAR BAIL FOR OFFENCES PUNISHABLE UNDER SECTIONS U/S 149, 376(2)(n), 376DA, 376(3) IPC, AND U/S 10, 4, 6, 5(g), 5(k), 5(l) OF POCSO ACT, 2012 ALSO UNDER SECTION 3(1)(w), 3(2)(v) OF SC AND ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 03.08.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT MADE THE FOLLOWING:-



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CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV JUDGMENT

1. This appeal has been filed by the appellant, who has been arraigned as accused No.3 in Crime No.235/2024 registered by the respondent - Police for the offences under Sections 149, 376(2)(n), 376DA, 376(3), 450 of Indian Penal Code (for short, 'IPC'), and under Sections 10, 4, 6, 5(g), 5(k), 5(l) of Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') and under sections 3(1)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC/ST (POA) Act'), seeking for grant of bail.

Brief facts of the case:

2. The case of the prosecution is that, a complaint came to be registered by the complainant stating that her younger daughter had not menstruated for the preceding four months. Hence, she was taken to KR Pet Government Hospital on 29.10.2024. The Doctor who conducted the examination opined that she was pregnant. On enquiry,



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she has disclosed that, initially, Adithya had indulged in sexual activities. Subsequently, Angadi Rajaiah, thereafter, Dinesh s/o Mahadeva, Kirana s/o Shekarappa, Abhi s/o Boraiah had indulged in sexual activities. The complainant and her daughter went to the house and had deliberations with other members. However, on 30.10.2024, while they were in the house, at around 12.00 noon, one person claiming to be from Akshaya Nikethana Home came to the house and took her daughter to the custody. Thereafter, a complaint came to be registered before the respondent No.1 – Police on 09.11.2024. Based on the said complaint, the respondent No.1 – police have conducted investigation and submitted the charge sheet.

3. Heard Sri. K.L. Sreenivas, learned counsel for the appellant, Sri M.V. Anoopkumar, learned Addl. SPP for respondent No.1 and Smt. Maitreyi Krishnan, learned counsel for respondent No.2.



4. The submission of the learned counsel for the appellant is that the allegations made against the appellant are baseless and untenable. In fact, the other accused, who were standing on the same footing and facing the same allegations, have been enlarged on bail. The appellant is also standing on the same footing and facing the same allegations. Therefore, he may be enlarged on bail by imposing suitable conditions. He would abide by the conditions to be imposed in the event of his release on bail. Making such submissions, learned counsel for the appellant prays to allow the appeal.
5. *Per contra*, learned counsel for respondent No.2 submitted that though respondent No.2 had been notified in this case, no notice was ordered to appear and file objections to the bail application, which is mandatory. However, without issuing the notice to respondent No.2, an order had been passed and accused No.3 had been enlarged on bail on 03.09.2025. Therefore, an application for recall of the said order had been filed and



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an order had been passed on 19.05.2026 recalling the order dated 03.09.2025.

6. It is further submitted that the appellant, who is arraigned as accused No.3, has committed a heinous offence against the victim, who is aged about 15 years and it is a gang rape committed by all the accused including the appellant. The manner in which the appellant and other accused had exploited an innocent victim deserves no mercy. The appellant being one of the accused has committed sexual assault on the victim knowingly that she was a minor. Therefore, it is not appropriate to grant any relief in order to secure ends of justice to the victim. Making such submissions, learned counsel for respondent No.2 prays to dismiss the appeal.
7. Learned Addl. SPP for respondent No.1 adopted the arguments advanced by learned counsel for respondent No.2 and prays to dismiss the appeal.
8. Having heard learned counsel for the respective parties and on perusal of the averments of the charge sheet, it



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appears that the appellant allegedly committed sexual assault on the victim along with others on several occasions by taking advantage of the innocence of the victim. The victim became pregnant and it was terminated on 24.11.2024. The DNA report has not yet been received. At this stage, it would be difficult to arrive at a conclusion as to whether the appellant is responsible for the said pregnancy or not. In the meantime, as per the averments of the charge sheet, the appellant, along with other accused, has committed the alleged sexual assault. The Co-ordinate Bench of this Court granted bail in respect of accused No.4, who is standing on the same footing as that of this appellant. Having considered the similar allegations made against the appellant herein, he deserves to get the same relief on parity. It is needless to state that the order of the Co-ordinate Bench granting bail to accused No.4 has been confirmed by the Hon'ble Supreme Court.

9. Hence, I proceed to pass following:-



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ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The order dated 15-07-2025 in Spl. Case No.09/2025 (Crime No.235/2024 of respondent No.1 - Police), passed by the Addl. District & Sessions Judge, FTSC-II, Mandya, is set aside.
- iii) The appellant is ordered to be enlarged on bail in Crime No.235/2024 of respondent No.1 - Police for the offences stated *supra*, on executing a personal bond for 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 appear before the Trial Court on all hearing dates without fail.
- v) The appellant shall not threaten the prosecution witnesses.
- vi) The appellant shall not hamper the Court proceedings.
- vii) The appellant shall not leave the jurisdiction of the Court till disposal of the case.



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viii) The appellant shall not commit or indulge in any other criminal cases.

In case the appellant violates any of the bail conditions as 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.: 48