



CNR: KAHC010584232026

NC: 2026:KHC:50741
CRL.A No. 1440 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 16TH DAY OF SEPTEMBER, 2026
BEFORE**

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1440 OF 2026 (U/S 14(A) (2)-)

BETWEEN:

1. SHRI. VINAYAKA G
S/O.GANGADHARA,
AGED ABOUT 19 YEARS,
R/O 3RD CROSS, PAMPHOUSEKERI,
SHIRALAKOPPA TOWN,
SHIKARIPURA TALUK,
DIST. SHIVAMOGGA 577 427

...APPELLANT

(BY SRI. SANDESH P. NADIGER.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SHIRALAKOPPA POLICE STATION,
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI,
BENGALURU 560 001.

2. SMT. RADHA
W/O. ANIL KUMAR
AGED ABOUT 38 YEARS,
R/O PUMPHOUSE, 3RD CROSS,
HUCHRAYA SCHOOL ROAD,
SHIRALAKOPPA TOWN,
SHIKARIPURA TALUK,
DIST. SHIVAMOGGA - 577 427

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1,
R2 SERVED AND PRESENT BEFORE COURT (V/O DTD:
15.09.2026))



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CRL.A FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THE APPEAL AND SET ASIDE THE ORDER DTD 11.08.2026 PASSED BY THE LEARNED ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I (POCSO) SHIVAMOGGA IN CRL.MISC.NO.798/2026 BY GRANTING REGULAR BAIL TO THE APPELLANT IN CR.NO.260/2025 AGAINST THE APPELLANT REGISTERED BY SHIRALAKOPPA P.S., FOR THE OFFENCES P/U/S 137(2),87,65(1),127(3) OF BNS, 2023, U/S 6 AND 17 OF POCSO ACT, 2012, U/S 3(1)(w)(i)(ii) AND 3(2)(v) OF SC/ST (POA) AMENDMENT ACT, 2015.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. Respondent No.2 counsel present and filed statement of objection stating that she has no objection to release the accused on bail with conditions.

2. The appellant-Vinayaka.G has preferred this appeal against the order passed by the Addl. District and



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Sessions Judge, FTSC-I, Shivamogga in
Crl.Mis No.798/2026 dated 11.08.2026.

3. Respondent No.2-Smt.Radhamma has filed her statement stating that she has no objection to release the accused on bail with suitable conditions. Further she has stated that she has filed her statement voluntarily on her own volition without any coercion or undue influence.

4. The learned counsel for the appellant would submit that the statement of the victim girl was recorded under Section 183 of BNSS, wherein she has not deposed anything as to the alleged commission of offences. The investigation is already completed. The accused is not required for any investigation. The accused has been falsely implicated in this case. He is innocent and he has not committed any offence. On all these grounds sought for allowing this appeal.

5. The learned HCGP, Sri Nageshwarappa.K, submitted that the trial Court has properly appreciated the



materials on record and there are no grounds to allow this appeal and sought for dismissal of the appeal.

6. I have examined the materials placed before this Court. On the basis of the complaint filed by one Radha, Shiralakoppa Police have registered the case in Crime No.260/2025 against the unknown accused for the offence punishable under Section 137(2) of Bharatiya Nyaya Sanhita, 2023. During the course of investigation, the Investigating Officer has arrested the accused on 18.10.2025 and produced before the Court and accused was remanded to judicial custody, till this day accused is in judicial custody. After thorough investigation, the Investigating Officer has submitted the charge-sheet against the accused for the commission of offence under Sections 137(2), 87, 65(1), 127(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, Sections 6 and 17 of the POCSO Act, 2012 and Section 3(1)(w)(i)(ii), 3(2)(v) of the SC and ST (POA) Act, 2015. The appellant has filed application before the trial Court under Section 483 of BNS, 2023.



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Same came to be rejected by the Special Court. Being aggrieved by this order, the appellant has preferred this appeal.

7. Today the respondent No.2-mother of the victim present before the Court and filed her statement stating that she has no objection to release the appellant on bail with suitable conditions. She has also stated that she has filed this statement on her own volition and there is no coercion, undue influence etc. for filing this statement. Additionally, I have examined the statement under Section 183 of BNSS recorded by the Prl. Civil Judge and JMFC, Shivamogga dated 28.10.2025, wherein the victim has not whispered anything as to alleged commission of rape or aggravated penetrative sexual assault as defined under Section 5 of POCSO Act, 2012. The accused/appellant is not required for further investigation as the Investigating Officer has already submitted a charge-sheet against the accused.



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8. Considering the nature and gravity of offence, statement of the victim recorded under Section 183 of BNSS, and also age of the accused, without expressing any opinion on the merits of the case, I proceed to pass the following:

ORDER

- i. Appeal is allowed.
- ii. The impugned order passed by the Addl. District and Sessions Judge, FTSC-I, Shivamogga in Crl.Misc. No.798/2026 dated 11.08.2026 is set aside.
- iii. Consequently, application filed under Section 483 of BNSS is allowed.
- iv. The appellant shall be released on bail on executing a self bond of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Special Court.
- v. The appellant shall not tamper or threaten the prosecution witnesses in any manner.



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vi. The appellant shall appear before the trial Court on all dates of hearing.

vii. The appellant shall not indulge similar offence.

Registry is directed to communicate this order to the trial Court.

**Sd/-
(G BASAVARAJA)
JUDGE**

KBM
List No.: 1 Sl No.: 68