



CNR: KAHC010593112026

NC: 2026:KHC:52904  
CRL.P No. 13304 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 24<sup>TH</sup> DAY OF SEPTEMBER, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY**  
**CRIMINAL PETITION NO. 13304 OF 2026**

**BETWEEN:**

SHIVAKUMAR K  
S/O LATE KUMAR  
AGED ABOUT 20 YEARS  
R/O SHIVANNA CAMP, NIDIGE POST  
SHIVAMOGGA TALUK  
R/AT MALALIKOPPA, MATTUR  
SHIVAMOGGA TALUK - 577 201.

...PETITIONER

(BY SRI PRASAD B.S, ADV.)

**AND:**

1. THE STATE OF KARNATAKA  
THROUGH SHIVAMOGGA  
TUNGANAGAR P.S  
SHIVAMOGGA - 577 201  
REPRESENTED BY SPP  
HIGH COURT COMPLEX  
BANGALORE - 01.

2. XXX

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;  
R-2 SERVED)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)  
PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN CRIME  
NO.294/2026 FOR THE OFFENSES P/U/S 137(2) AND 64(2)(m) OF  
THE BNS, 2023, SEC.6 OF THE POCSO ACT, AND SEC.9 OF THE  
PROHIBITION OF CHILD MARRIAGE ACT AFTER FILING CHARGE  
SHEET THE SAME IS NUMBERED AS SPL.C.NO.207/2026  
REGISTERED BY SHIVAMOGGA TUNGANAGAR POLICE PENDING ON  
THE FILE BEFORE THE LEARNED ADDL. DISTRICT AND SESSIONS

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



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JUDGE FTSC-1 (POSCO), SHIVAMOGGA, ON SUCH TERMS AND CONDITIONS AS THIS HONBLE COURT MAY DEEM FIT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

**ORAL ORDER**

Accused no.1 in Spl.C.No.207/2026 pending before the Court of the Additional District and Sessions Judge, FTSC-1 (POCSO), Shivamogga, arising out of Crime No.294/2026 registered by Tunga Nagar Police Station, Shivamogga for the offences punishable under Sections 137(2) and 64(2)(m) of BNS, 2023, Section 9 of Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 and Section 6 of POCSO Act, 2012, is before this Court in this petition filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing on behalf of respondent No.1-State.

3. FIR in Crime No.294/2026 was registered by Tunga Nagar Police Station, Shivamogga for the offence punishable under Section 137(2) of BNS, 2023 against the petitioner herein, based on the first information dated 28.04.2026



received from respondent No.2, who is the father of the victim girl, aged 17 years. During the course of investigation of the said case, the petitioner herein was arrested on 02.05.2026 and remanded to judicial custody. After completing investigation, charge sheet is filed against two persons and the petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the Trial Court in Crl.Misc.No.754/2026 was rejected on 05.08.2026. Therefore, he is before this Court.

4. A reading of the first information submitted by respondent No.2 would reveal that his daughter, aged 17 years, had gone out of their house on 27.04.2026 at about 11.00 a.m. and had not returned home. Efforts made to trace her had failed and therefore, on the next day at about 10.45 a.m., respondent No.2 had approached the police. Since he suspected the hand of the petitioner, FIR was registered against the petitioner for the offence punishable under Section 137(2) of BNS, 2023.

5. During the course of investigation, the petitioner and the victim girl were traced together. The petitioner was arrested on 02.05.2026 and remanded to judicial custody. The



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victim girl was subjected to medical examination. Before the Medical Officer, she has stated that she and the petitioner are in love and she had voluntarily gone with him on 27.04.2026 and got married in a temple at Hosur, Tamilnadu, on 29.04.2026.

6. The statement of the victim girl was recorded in the present case under Section 183 of BNSS, 2023 by the jurisdictional Magistrate on 11.05.2026. Even in the said statement, the victim girl has stated that she is in love with the petitioner for the last six months and this was opposed by her parents. She has stated that her mother had assaulted her for the said reason and therefore, on 27.04.2026, she had left her house and travelled with the petitioner to Hosur in Tamil Nadu and thereafter, they got married in a temple at Hosur. Subsequently, the police who came there brought them back to their village. She has stated that after the marriage, she had physical relationship with the petitioner. However, there is no specific averment that the petitioner had committed penetrative sexual assault on the victim girl. The final opinion of the Medical Officer who had examined the victim girl reads as follows:



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*"Signs suggestive of recent sexual intercourse are absent."*

7. The petitioner, aged 20 years has no other criminal antecedents. He is in custody for the last more than four months. Investigation of the case is already completed. Considering the aforesaid aspects of the matter and also the age of the parties, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

**ORDER**

i) The Criminal Petition is ***allowed***.

ii) The petitioner is directed to be enlarged on bail in Spl.C.No.207/2026 pending before the Court of the Additional District and Sessions Judge, FTSC-1 (POCSO), Shivamogga arising out of Crime No.294/2026 registered by Tunga Nagar Police Station, Shivamogga for the offence punishable under Sections 137(2) and 64(2)(m) of BNS, 2023, Section 9 of Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 and Section 6 of Protection of Children from Sexual Offences Act, 2012, subject to the following conditions:



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- a) The petitioner shall execute 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 Court until the case registered against him is disposed off.

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

SHS/List No.: 1 SI No.: 74