



CNR: KAHC010606752026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1461 OF 2026 (U/S 14(A) (2))**

BETWEEN:

1. DARSHAN H
S/O. RAJU
AGED ABOUT 26 YEARS,
R/O. SIMSE, KOPPA ROAD,
N.R.PURA TOWN-577134.

...APPELLANT

(BY SRI. S G RAJENDRA REDDY.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY VINOBANAGARA POLICE STATION,
SHIVAMOGGA DISTRICT
REPTD. BY S.P.P.,
HIGH COURT OF KARNATAKA,
BENGALURU - 560001.
2. SMT. NETRAVATI
W/O. LATE. SANTOSH G,
AGED ABOUT 42 YEARS,
BOMMANAKATTE LAST BUSSTOP,
HOME NO.64, SHIVAMOGGA - 577201

...RESPONDENTS

(BY SMT. RASHMI JADHAV, ADDL SPP FOR R1,
R2 SERVED AND UNREPRESENTED.)

CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015
BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS
HONBLE COURT MAY BE PLEASED TO ALLOW THIS CRIMINAL
APPEAL AND SET ASIDE THE ORDER DATED 01.08.2026



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PASSED BY THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-1(POCSO), SHIVAMOGGA, IN CRL. MISC. NO.708 /2026 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order passed by the Addl. District and Sessions Judge, FTSC-I (POCSO), Shivamogga in Crl.Misc No.708/2026 dated 01.08.2026.

2. On the basis of the complaint filed by Netravati, the mother of the victim, Vinobanagara Police registered the case in Crime No.70/2026 against the unknown accused for the offence punishable under Section 137(2) of BNS, 2023. After arrest of the accused, the offence punishable under Section 87, 64(2)(m), 137(2), 65(1) of Bharatiya Nyaya Sanhita (BNS), 2023, Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 3(1)(w)(i)(ii), 3(2)(v) of the SC and ST (Prevention of Atrocities)



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Amendment Act, 2015 was inserted. During the course of investigation, the accused was arrested on 11.04.2026 and produced before the Magistrate and remanded to the judicial custody. The bail application was filed under Section 483 of BNSS and the same came to be rejected by the Addl. District and Sessions Judge, FTSC-I, Shivamogga. Being aggrieved by this order, the appellant has preferred this appeal.

3. The Learned counsel for the appellant submitted his argument that the victim was in love with the appellant. They were chatting and meeting frequently and on 10.04.2026 called the appellant to N.R.Pura bus stand and both of them eloped and got married at Umamaheshwari Temple. Thereafter, both of them went to the house of the complainant and stayed. The victim has adduced inconsistent and contradictory statement in her statement under Section 183 of BNSS. She has stated that, appellant and herself were in love which was objected by both families, and she told the appellant that she wanted baby and involved in sexual intercourse with the appellant and both of them got married. The facts of the case clearly indicates that it is a purely a



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romantic relationship between two youngsters. There is no mens rea or criminal intention. No offence is made out against the appellant. It is further submitted by the learned counsel for the appellant that the charge-sheet is already submitted by the Investigating Officer and the accused is not required for further investigation.

4. On careful examination of the statement of the victim recorded under Section 183 of BNSS, there is some force in the argument submitted on behalf of the appellant. Considering the facts and circumstances of the case and also the statement of the victim recorded by the learned Magistrate, I proceed to pass the following:

ORDER

- i. Appeal is allowed.
- ii. The order passed by the Addl. District and Sessions Judge, FTSC-I(POCSO), Shivamogga in Crl. Misc No.708/2026 dated 01.08.2026 is set aside.
- iii. Consequently, application filed under Section 483 of BNSS is allowed.



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iv. Accused shall be released on bail on executing a self bond of Rs.1,00,000/- with one surety for likesum to the satisfaction of the trial Court.

v. The appellant shall not tamper or threaten the prosecution witness in any manner.

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

vii. The appellant shall not indulge in similar offence.

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

Sd/-
(G BASAVARAJA)
JUDGE

KBM
List No.: 1 Sl No.: 23