



CNR: KAHC010606972026

NC: 2026:KHC:55659
CRL.P No. 13564 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13564 OF 2026

BETWEEN:

SYED IMTIYAZ
S/O SYED ANSAR
AGED ABOUT 24 YEARS
RESIDING AT NO.17
H. CROSS, MADARSAAB LAYOUT
NEW GURUPPANA PALYA
BTM 1ST STAGE
BANGALORE CITY
KARNATAKA - 560 029.

...PETITIONER

(BY SRI AFROZ PASHA, ADV.)

AND:

STATE OF KARNATAKA
BY SUDDANGUNTEPALYA POLICE
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO ENLARGE THE PETITIONER / ACCUSED NO.1 ON BAIL
IN CR.NO.81/2026 OF SUDDAGUNTEPALYA POLICE FOR THE OFENCE
P/U/S 64(2),85,115(2),351(2) OF BNS 2023 AND SEC.3 OF
KARNATAKA PROTECTION OF RIGHT TO FREEDOM OF RELIGION
ORDINANCE 2022 PENDING ON THE FILE OF THE LIII ADDL.CITY
CIVIL AND SESSIONS JUDGE AT BENGALURU CCH-54 IN
S.C.NO.1230/2026 BY ALLOWING THIS PETITION.

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



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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused in Crime No.81 of 2026 registered by Suddaguntepalya Police Station, Bengaluru City for offences punishable under Sections 64(2), 85, 115(2), 351(2) of BNS, 2023 and Section 3 of Karnataka Protection of Right to Freedom of Religion Ordinance, 2022 is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. FIR in Crime No.81 of 2026 registered by Suddaguntepalya Police Station, Bengaluru City for the aforesaid offences against the petitioner herein and his mother, based on the first information dated 17.03.2026 received from the victim lady aged 23 years. In the said case, petitioner had surrendered before the Court of jurisdictional Magistrate and was remanded to judicial custody. Investigation of the case is now completed and charge sheet is filed against the petitioner and his mother for the aforesaid offences. His bail application filed before the jurisdictional Sessions Court in



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Crl.Misc.No.6732 of 2026 was rejected on 19.08.2026.
Therefore, he is before this Court.

3. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that the victim lady is the wife of the petitioner and their marriage was registered under the Special Marriage Act, 1954 on 18.06.2025. From their wedlock, they have a child. The victim lady has totally suppressed the fact of marriage and has now made allegations against the petitioner so as to invoke offence punishable under Section 64 of the BNS, 2023 against him. He submits that, prior to registration of the present FIR, the victim lady had approached Southeast Women Police Station, Bengaluru City on 22.07.2025 and in the complaint that was filed by her, the allegations now found in the present complaint are not present. Subsequently, she had appeared before the police on 30.07.2025 and had withdrawn her complaint dated 22.07.2025 stating that she and her husband have settled their dispute and they have decided to stay together. The allegations now made in the complaint are totally false which was never made in the earlier complaint filed by the victim lady.



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Investigation of the case is now completed. Accordingly, he prays to allow the petition.

4. Per contra, learned HCGP on behalf of respondent no.1- State and learned counsel appearing for respondent no.2 - defacto complainant have opposed the petition.

5. Learned counsel appearing for respondent no.2 submits that, the victim lady got acquainted to the petitioner when she was aged 19 years and she has suffered at his hands throughout. He submits that, the petitioner not only ill-treated the victim lady after marriage, but even before the marriage she was being ill-treated. He submits that the petitioner, who had sexual intercourse with the victim lady against her wishes had married her, only after she had approached the police. The victim lady was forcibly converted before marriage and she has been constantly ill-treated in her matrimonial house. He accordingly, prays to dismiss the petition.



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6. In the first information, which is filed on 17.03.2026, the victim lady has stated that she hails from Orissa State and in the month of December, 2024, she got acquainted with the petitioner, who developed friendship with her and in the month of February, 2025, he had visited her house. She has stated that on one such occasion, he had made her to consume a drink and after consuming the same, she had lost her consciousness. Thereafter, the petitioner had sexually assaulted her and also recorded the same in his mobile phone and started threatening her. Because of the repeated sexual assault of the petitioner, subsequently, she became pregnant. She has alleged that petitioner had forced her to convert to Islam religion, failing which, he refused to marry her. She has stated that on 22.06.2025, he forcibly converted her from Hindu religion to Islam and thereafter named her as Zainab. She has further alleged that on 23.01.2026, the petitioner had abandoned her and her newly born baby in Kolkata and on 07.02.2026 the victim lady had returned to Bengaluru with great difficulties. She has also alleged that her child has been



kidnapped by the petitioner and his family members and therefore, she had approached the police.

7. Learned counsel for the petitioner has produced marriage certificate of the petitioner with the victim lady which would go to show that, their marriage was registered before the office of Registrar for Marriage on 18.06.2025. The allegation in the first information is that the petitioner had refused to marry the victim unless she converts herself to Islam religion and therefore, the victim girl had converted herself on 22.06.2025 from Hindu religion to Islam religion. However, her marriage certificate would go to show that her marriage with the petitioner was registered on 18.06.2025 itself.

8. It is also relevant to note here that on 22.07.2025, the victim lady had approached Southeast women Police Station, Bengaluru city and had filed a complaint. In the said complaint, she has stated that, she is the legally wedded wife of the petitioner and she was pregnant. She has stated that petitioner was ill-treating her and was not taking care of her, though she was pregnant. Except the aforesaid allegation no



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other allegation is found in the complaint that was filed by the victim lady on 22.07.2025 before Southeast Women Police Station, Bengaluru City. Subsequently, on 30.07.2025, the victim lady had appeared before the said Police Station and submitted a letter stating that pursuant to counselling the husband and wife, have decided to stay together and accordingly, had requested to close the complaint that was filed by her on 22.07.2025.

9. The allegations which are now made against the petitioner about he committing the act of rape on the victim lady, which relates to period prior to the complaint that was filed on 22.07.2025, were not found in the earlier complaint submitted by the victim lady before the police. Therefore, a serious doubt arises with regard to correctness of the allegations now made against the petitioner which attracts the offence punishable under Section 64 of BNS, 2023 against him. The other offences for which charge sheet has been filed in the present case are all triable by the Court of Magistrate and maximum punishment for the same is imprisonment for a period of seven years. The petitioner, aged 24 years, who had



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voluntarily surrendered before the Court is in custody for the last six months.

10. Considering the aforesaid aspects of the matter, 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:-

ORDER

- (i) Criminal petition is allowed.
- (ii) The petitioner is directed to be enlarged on bail in Crime No.81 of 2026 registered by Suddaguntepalya Police Station, Bengaluru City for offences punishable under Sections 64(2), 85, 115(2), 351(2) of BNS, 2023 and Section 3 of Karnataka Protection of Right to Freedom of Religion Ordinance, 2022, 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 one surety for the likesum, to the satisfaction of the jurisdictional Court;



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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