



CNR: KAHC010633762026

NC: 2026:KHC:51084
CRL.A No. 1534 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1534 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. RAGHU M,
S/O MANJUNATHA,
AGED ABOUT 29 YEARS,
RESIDING AT CHILAKADRI HALLI
HARIGE, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 203.

...APPELLANT

(BY SRI. KASHINATH J.D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY TUNGA NAGARA PS,
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.
2. SMT. XXXX,
W/O RAGHU M,
D/O MANJUNAIAK,
AGED ABOUT 18 YEARS,
RESIDING AT 2ND MARIYAMMA TEMPLE,
NEAR SANTEKADUR VILLAGE,
KASABAAI, SHIVAMOGGA TALUK
SHIVAMOGGA DISTRICT - 577 222.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1,
SRI. SAATHVIK G., ADVOCATE FOR R2)



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THIS CRL.A. FILED UNDER SECTION 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 SET ASIDE THE ORDER DATED:20.08.2026 PASSED ON THE ANTICIPATORY BAIL APPLICATION FILED IN CRL.MISC.NO.836/2026 ON THE FILE OF THE ADDL DISTRICT AND SESSIONS JUDGE FTSC I (POCSO) AT SHIVAMOGGA AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

Respondent No.2 present before the Court.

2. Sri.Saatvik.G, learned counsel has filed Vakalath on behalf of respondent No.2. The same is taken on record.

3. The appellant has preferred this appeal against the order dated 20.08.2026 passed by the Additional



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District and Sessions Judge FTSC-I (POCSO), Shivamogga,
in Crl.Misc.No.836/2026.

4. The advocate for respondent No.2 has filed a memo stating that respondent No.2 has married the appellant after attaining the age of 18 years and respondent No.2 submits that she has no objection for granting bail to the appellant. Memo is placed on record.

5. Heard the arguments of both the learned counsel and learned High Court Government Pleader.

6. On the basis of the complaint filed by the victim, Tunganagar Police have registered case in Crime No.509/2026 against the accused for the commission of offences punishable under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i), 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.



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7. The appellant has filed application under Section 482 of Bharatiya Nagarika Suraksha Samithya, 2023 for grant of anticipatory bail. The same came to be rejected by the trial Court. Being aggrieved by this order, the appellant has preferred this appeal.

8. In paragraph No.19 of the order of the trial Court, it is observed that the mother of the victim girl has not raised any objection to bail application. In the statement of victim, she has clearly stated that she has married the appellant/accused on 02.07.2026, prior to registration of this case. It is only at the instance of Child Welfare Committee, the victim gave her statement. On that basis, the police have registered the case for the alleged offences.

9. A plain reading of this complaint goes to show that the victim has not stated anything as to constitute the offence under the penal provision of SC/ST (POA) Act,



1989. Respondent No. 2 has filed memo before this Court that she has no objection to allow this appeal.

10. Considering the facts and circumstances of the case, the relationship between the accused and the victim prior to filing this complaint, at this stage for want of *prima facie* materials to constitute the offence under the penal provision of SC/ST (POA) Act 1989, without expressing any opinion on the merits of the case, as the investigation is not completed, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

- (i) Appeal is **allowed**.
- (ii) The order dated 20.08.2026 passed by the Additional District and Sessions Judge FTSC-I (POCSO) at Shivamogga in Crl.Misc.No.836/2026 is set aside.



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- (iii) Consequently, application filed under Section 482 of BNSS, 2023 is allowed.
- (iv) The appellant shall be released on bail on executing a self bond for a sum of Rs.50,000/- with one surety each for likesum to the satisfaction of the Investigation Officer, in the event of his arrest in Crime No.509/2026 of Tunganagar Police, Shivamogga.
- (iv) The appellant shall assist the Investigating Officer for investigation.
- (v) The appellant shall not tamper or threaten the prosecution witnesses in any manner.
- (vi) Registry is directed to send the copy of this judgment to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

RR
List No.: 1 Sl No.: 6