



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 15093 OF 2025

BETWEEN:

N. DURGAPRASAD
S/O NAGARAJ
AGED ABOUT 25 YEARS,
R/AT NO.3, SLUM BOARD QUARTERS,
BYATARAYANAPURA, MYSORE ROAD,
BENGALURU-26

...PETITIONER

(BY SRI. RAKESH RAJ G., ADVOCATE FOR
SMT. BHAVYA N.G.,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
SHO, KEMPEGOWDANAGARA PS,
BENGALURU-560 039,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. B.VIJAYABHASKAR
S/O BASAVARAJU,
AGED ABOUT 52 YEARS,
R/AT NO.18, NEW NO.118,
3RD MAIN, DOBI NANJAPPA BLOCK,
GAVIPURAM, GUTTAHALLI,
K.G.NAGARA, BENGALURU-560 019.

...RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP FOR R1
R2 SERVED)



THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN SPL.CC.NO.980/2023 ARISING OUT OF CR.NO.29/2023 REGISTERED BY RESPONDENT NO.1, KEMPEGOWDANAGAR P.S., FOR THE OFFENCES P/U/S 363,366 OF IPC, U/S 3(a), 4, 5(L), 6, 12 OF POCSO ACT, 2012, U/S 9 OF PROHIBITION OF CHILD MARRIAGE ACT, PENDING BEFORE THE CITY CIVIL JUDGE, FTSC-1, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This petition is preferred to enlarge the petitioner on bail in Spl.C.C.No.980/2023 pending on the file of the Court of City Civil and Sessions Judge, FTSC-1, Bangalore.

2. Heard both sides and perused the material on record.

3. FIR came to be registered in Crime No.29/2023 of Kempegowdanagar Police Station, Bengaluru City, on a complaint lodged by the victim's father, for the offence



punishable under Section 363 IPC. In the FIR dated 04.04.2023, complainant stated that his daughter aged about 17 years, pursuing her studies in one St. Teresa Women's College, in 2nd PUC, was missing from the house from about 12:30 p.m.

4. Charge sheet was filed against the accused for the offences punishable under Section 363, 366 of IPC and Section 3(a), 4, 5(l), 6 and 12 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006. It is alleged that the accused / petitioner, kidnapped the minor daughter of the complainant, aged about 17 years on 04.04.2023 and married her on 06.04.2023 at the shrine of St. Anthony Mary Church by tying a turmeric thread and committed penetrative sexual assault on her.

5. The petitioner was arrested on 09.04.2023. During crime stage, prayer for bail was rejected in Crl.P.No.5442/2024, Crl.P.No.6030/2024 and Crl.P.No.6015/2024. After the charge sheet,



Crl.P.No.608/2024 and Crl.P.No.5635/2024 preferred by the petitioner to enlarge him on bail were dismissed by this Court. However, liberty was reserved, to file a fresh petition for bail after completion of the recording of the victim's evidence.

6. Learned counsel for the petitioner submitted that victim has been examined as PW.2 and her evidence is completed, wherein, she admitted that in Ex.P4, i.e., the statement before the learned Magistrate, she has not alleged that the accused has committed any sexual assault on her. Further, she admitted that as she was 18 years, she married the accused. He contended that the said admission by the victim establishes that the accused is innocent. He further contended, now the victim's evidence is recorded and therefore, the question of tampering her does not arise. The accused is in judicial custody for nearly 3 years and he may be enlarged on bail by imposing any conditions.

7. On the other hand, learned High Court Government Pleader has opposed the prayer for bail



contending that if the petitioner is granted bail, he may flee from justice and in that event there will be delay in trial.

8. According to the prosecution, the date of birth of the victim is 08.08.2005 and therefore, victim was a minor aged about 17 years and 7 months. Prosecution is relying on the certificate issued by the school authority to prove the age of the victim. However, it is a matter for trial.

9. This Court reserved the liberty to the petitioner to file a fresh petition for bail after completion of the evidence of the victim. It is brought to the notice of the Court that three witnesses are already examined before the trial Court, namely the victim and her parents. Though the evidence given before the trial Court cannot be discussed or no observations can be made, which may prejudice the trial, however, keeping in view that the victim and her parents are already examined and the petitioner is in judicial custody from 09.04.2023, relief sought by the petitioner can be granted by imposing appropriate conditions. Accordingly, the following:-



ORDER

i) Petition is ***allowed***.

ii) Petitioner / accused is ordered to be released on bail in Spl.CC.No.980/2023 pending before the Court of City Civil and Sessions Judge, FTSC-1, Bangalore, arising out of Crime No.29/2023 of Kempegowdanagar Police Station, Bangalore City, subject to following conditions:

- a) Petitioner shall execute a bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the learned Sessions Judge.
- b) He shall furnish his residential address and shall inform the Court in case of change in the address.
- c) He shall co-operate for the early disposal of the case.



- d) He shall not tamper with the prosecution evidence/witnesses either directly or indirectly.
- e) He shall be regular in attending the Court proceedings.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

LDC
List No.: 1 Sl No.: 4