HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL PETITION NO. 2032 OF 2026 (438(Cr.PC) / 482(BNSS))

BETWEEN:

THIPPESWAMY
S/O. HANUMANTHAPPA
AGED ABOUT 22 YEARS
COOLIE WORK
R/O. PAPENAHALLI VILLAGE,
RAYANAHALLI POST,
TURUVANUR HOBLI,
CHITRADURGA TALUK AND DISTRICT-577 502.

...PETITIONER

(BY SRI. SHIVANANDA D.S.,ADVOCATE)

AND:

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   BY TURUVANUR POLICE STATION,
   CHITRADURGA DISTRICT,
   NOW REPTD. BY SPP
   HIGH COURT BUILDING,
   BENGALURU-560 001.

2. SMT. DEVAKKAVVA BHEEMAKKANAVAR
   W/O. SHIVANANDAPPA M.K.
   AGED ABOUT 45 YEARS,
   SUPERVISOR, C.D.P.O.
   BHARAMASAGARA,
   CHITRADURGA DISTRICT-577 502.

...RESPONDENTS

(BY SMT. ASMA KOUSER, ADDL. SPP A/W
SMT. ANITHA GIRISH., HCGP FOR R1;

R2 IS SERVED AND UNREPRESENTED;
SRI. VISHWAS B.M., ADVOCATE FOR R3)

THIS CRL.P IS FILED U/S 438 CR.P.C (U/S 482 BNSS) PRAYING TO PASS AN ORDER GRANTING ANTICIPATORY BAIL THEREBY DIRECTING THE RESPONDENT TURUVANUR POLICE TO RELEASE THE PETITIONER/ACCUSED IN CR.NO.148/2025 REGISTERED BY THE TURUVANUR POLICE, CHITRADURGA DISTRICT, ON THE FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE, CHITRADURGA, FOR THE OFFENCE P/U/S 64(2)(m) OF BNS, U/S 4 AND 6 OF POCSO ACT, U/S 9 OF PROHIBITION OF CHILD MARRIAGE ACT IN THE EVENT OF HIS ARREST AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

This petition is by the accused in Crime No.148/2025 being aggrieved by the order dated 08.01.2026 passed in Crl.Misc.No.1518/2025 on the file of II Additional District and Sessions Judge, Chitradurga, rejecting his application filed under Section 482 of BNSS Act, 2023.

2. The case of prosecution is that upon a complaint filed by Supervisor in Bharamasagara CDPO Office alleging that the victim who was a minor having been born on 10.06.2007 was married to the accused/petitioner herein on 17.03.2025 at

Hosadurga Eshwara Temple and now the victim is pregnant. That since the marriage of the victim with the petitioner /accused is prohibited under Section 9 of the Prohibition of Child Marriage Act, 2006 and provisions of Section 64(2)(m) of the BNS, Act, 2023 and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012 are invoked.

3. Defacto complainant, who is father of the victim girl and respondent No.3 herein are present. He does not dispute marriage having been solemnized between the accused-petitioner and the victim.

4. Learned Additional SPP opposing the petition submits that notwithstanding the marriage, the age of the victim being below 18 years, *prima facie* case of offence having been committed, is made out. Hence, seeks for rejection of the appeal.

5. Heard. Perused the records.

6. The complaint is lodged by defacto complainant/respondent No.2 who is a CDPO Officer on the

information of the victim having been married to the accused-petitioner while she is still a minor.

7. Learned counsel for the petitioner submits that according to the allegation of complaint, the victim was aged above 17 years 9 months 7 days as on the date of marriage. Complaint seemed to have been lodged on victim becoming pregnant after the marriage. That there is no allegation of accused -petitioner having caused any forcible sexual assault. Therefore, he submits that even if it is a case of marriage of minor, the same has to be proved in trial and seeks for allowing of the petition.

8. Learned counsel for the respondent No.3 submits that father of victim girl has no objection for allowing of the petition.

9. The age of the victim is to be ascertained and determined after the investigation and in the trial.

10. In view of peculiar facts and circumstance of the case, this Court is of the considered view that petitioner has made out a case for grant of anticipatory bail.

11. Accordingly, petition is ***allowed***. The respondent - Police are directed to release the accused-petitioner in the event of his arrest in Crime No.148/2025 registered by Turuvanur (Jogi) Police Station, Chitradurga Sub-Division for the offences punishable under Section 9 of the Prohibition of Child Marriage Act, 2006 and provisions of Section 64(2)(m) of the BNS, Act, 2023 and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012 subject to the following conditions:

(a). Petitioner-Accused shall execute a personal bond for a sum of Rs.1,00,000/- with two local sureties for the likesum to the satisfaction of the jurisdictional Court;

(b). Petitioner-Accused shall appear before the Investigation Officer within 10 days from the date of receipt of certified copy of this order and shall continue to appear every day for next 15 days.

(c). Petitioner-accused shall obtain regular bail within 10 days from the date of receipt of certified copy of this order.

(d) Petitioner-accused shall not tamper with the prosecution witness and he shall co-

operate with the police for investigation and appear before them whenever called upon till filing of final report;

SD/-
(M.G.S. KAMAL)
JUDGE

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List No.: 2 Sl No.: 7