HC-KAR

NC: 2026:KHC:54742
CRL.A No. 1212 of 2026

CNR: KAHC010441372026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1212 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. MANOJ D.
   S/O DEVRAJ K.N.
   AGED ABOUT 24 YEARS
   R/AT AVALAGURKI VILLAGE
   CHIKKABALLAPUR TALUK
   CHIKKABALLAPUR DISTRICT-563 124.

...APPELLANT

(BY SRI. RAVIKUMARA B.R., ADVOCATE)

AND:

1. STATE BY
   CHIKKABALLAPUR DCRE POLICE STATION
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BANGALORE -560 001.

2. VICTIM GIRL
   D/O LATE NAGRAJ
   AGED ABOUT 13 YEARS
   SINCE MINOR
   REP BY MOTHER RAJANI
   R/AT AVALAGURKI VILLAGE
   CHIKKABALLAPUR TALUK

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CHIKKABALLAPUR DISTRICT-563 124.

(ADDRESS AND AGE AS PER
CHARGESHEET AVERMENTS)

…RESPONDENTS

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

THIS CRL.A. IS FILED UNDER SECTION 14A(2) OF SC/ST (POA) ACT, 1989 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 08.06.2026 PASSED IN SPL.SC NO.91/2026 BY THE HON'BLE COURT OF 4TH ADDL. DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPURA AND CONSEQUENTLY ALLOW THIS APPEAL BY GRANTING BAIL TO THE APPELLANT IN CR.NO.06/20026 NOW NUBMERED AS SPL.SC.NO.91/2026 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 65(1) OF BNS, 2023, AND UNDER SECTION 5(L), 6, 8, 12 OF POCSO ACT, AND SECTION 3(1)(W)(ii), 3(2)(v) OF THE SC/ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 ACT OF CHIKKABALLAPURA DCRE PS PENDING THE HON'BLE 4TH ADDL. DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPUR, ON SUCH TERMS AND CONDITIONS WHICH THIS HON'BLE COURT DEEMS FIT TO PASS IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE ENDS OF JUSTICE.

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 VI Additional District and Sessions Judge at Chikkaballapura in Spl.SC No.91/2026 dated 08.06.2026.

2. On the basis of the complaint filed by the victim girl, Chikkaballapura DCRE Police registered a case in Crime No.06/2026 against the accused for the offences punishable under Sections 65(1) of the Bharatiya Nyaya Sanhita (BNS), 2023, Sections 5(L), 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. During the course of investigation, the I.O. has arrested the accused on 28.02.2026, produced him before the Court and he was remanded to judicial custody. Till date, accused is in judicial custody. After investigation, the I.O. has submitted the charge sheet against the accused for the commission of offence under Section 65(1) of the BNS, 2023, Sections 5(L), 6, 8, 12 of POCSO Act, 2012 and Section

3(1)(w)(ii), 3(2)(v) of the SC and ST (POA) Amendment Act, 2015.

4. In column no.17 of the charge sheet, it is stated as under:

"ಪ್ರಕರಣದಲ್ಲಿ ನೊಂದ ಬಾಲಿಕಯು ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಆದಿ ಕರ್ನಾಟಕ ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ್ದು, ಆರೋಪಿತನು ಅದೇ ಗ್ರಾಮದ ಸವರ್ಣೀಯ ಬಲಜಿಗ ಜನಾಂಗಕ್ಕೆ ಸೇರಿರುತ್ತಾನೆ.

ಸಾಕ್ಷಿ-1 ರವರು 13 ವರ್ಷದ ಬಾಲಕಿಯಾಗಿದ್ದು, 7ನೇ ತರಗತಿ ವಿದ್ಯಾರ್ಥಿನಿಯಾಗಿರುತ್ತಾರೆ. ಆರೋಪಿತನು ಅದೇ ಗ್ರಾಮದ ವಾಸಿಹಾಗಿದ್ದು, ಸಾಕ್ಷಿ-1 ರವರ ಮನೆಯ ಎದುರುಗಡೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ಆರೋಪಿಯು ಸುಮಾರು ಒಂದು ವರ್ಷದಿಂದ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಲವ್ ಮಾಡುತ್ತಿದ್ದು, ಆದರೆ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಇಷ್ಟ ಇಲ್ಲ ಎಂದು ಹೇಳುತ್ತಿದ್ದರು ಸಹ ಆರೋಪಿಯು ಪ್ರತಿದಿನ ಅವರ ಶಾಲೆಯ ಬಳಿ ಹೋಗಿ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಲವ್ ಮಾಡುವುದಾಗಿ ಪೀಡಿಸುತ್ತಿದ್ದನು. ಅಲ್ಲದೇ ದಿನಾಂಕ:28-12-2025 ರಂದು ಭಾನುವಾರ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ಮತ್ತು ಸಾಕ್ಷಿ-5 ರವರನ್ನು ಗಾಡಿಯಲ್ಲಿ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಗೋಬಿ ಹಾಗೂ ಚಾಕಲೆಟ್‌ಗಳನ್ನು ಕೊಡಿಸಿ ಸುತ್ತಾಡಿಸಿಕೊಂಡು ಬಂದಿದ್ದನು.

ನಂತರ ಮರು ದಿನ ಸೋಮವಾರದಂದು ಸಾಕ್ಷಿ-1 ರವರು ಶಾಲೆಗೆ ಹೋಗುತ್ತಿದ್ದಾಗ ಆರೋಪಿಯು ನಾಳೆ ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಯಾರೂ ಇರುವುದಿಲ್ಲ ಶಾಲೆಯಲ್ಲಿ ಬ್ಯಾಗ್ ಇಟ್ಟು ನಮ್ಮ ಮನೆಗೆ ಬಾ ಎಂದು ಹೇಳಿದಕ್ಕೆ ಸಾಕ್ಷಿ-1 ರವರು ದಿನಾಂಕ:30-12-2025 ರಂದು ಬೆಳಿಗ್ಗೆ 9:00 ಗಂಟೆಗೆ ಶಾಲೆಗೆ ಹೋಗಿ ತನ್ನ ಬ್ಯಾಗ್ ಅನ್ನು ಶಾಲೆಯಲ್ಲಿ ಇಟ್ಟು ಬೆಳಿಗ್ಗೆ 9:30 ಗಂಟೆಗೆ ಆರೋಪಿಯ ಮನೆಯ ಹತ್ತಿರ ಬಂದಿರುತ್ತಾರೆ. ಆ ಸಮಯದಲ್ಲಿ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರ ಕೈಯನ್ನು ಹಿಡಿದುಕೊಂಡು ಆರೋಪಿಯ ಮನೆಯ ಮಹಡಿ ಮೇಲಿರುವ ರೂಮ್ ಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸಾಕ್ಷಿ-1 ರವರ ಬಟ್ಟೆಗಳನ್ನು ಬಿಚ್ಚಿ, ಆರೋಪಿಯು ಆತನ ಬಟ್ಟೆಗಳನ್ನು ಅವನೇ ಬಿಚ್ಚಿಕೊಂಡು ಸಾಕ್ಷಿ-1 ರವರ ಎದೆಭಾಗಗಳನ್ನು ಮುಟ್ಟಿ ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಮೂರು ಬಾರಿ ಸೆಕ್ಸ್ ಮಾಡಿದ್ದು, ಸಾಕ್ಷಿ-1 ರವರು ಯಾಕೆ ಅಣ್ಣ ನನಗೆ ಈತರ ಮಾಡಿದೆ ಎಂದು ಕೇಳಿದಕ್ಕೆ ಆರೋಪಿತನು ಈ ವಿಚಾರವನ್ನು ನಾನು ಯಾರಿಗೂ ಹೇಳುವುದಿಲ್ಲ ನೀನು ಯಾರಿಗೂ ಹೇಳಬೇಡ ಎಂದು ಹೇಳಿರುವುದು ಆರೋಪಿಯು ಕಲಂ 65(1) ಬಿ.ಎನ್.ಎನ್. ಹಾಗೂ ಕಲಂ 5(l) 6, 8, 12

Pocso Act and Sec 3(1)(w)(ii) 3(2)(v) SC/ST POA Amendment Act ರೀತ್ಯಾ ಶಿಕ್ಷಾರ್ಹ ಆರೋಪವೆಸಗಿರುವುದು ಇಲ್ಲಿಯವರೆಗಿನ ತನಿಖೆಯಿಂದ ಆರೋಪ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಆರೋಪಿಯ ವಿರುದ್ಧ ಈ ದೋಷಾರೋಪಣ ಪತ್ರ ಸಲ್ಲಿಸಲಾಗಿದೆ."

5. On perusal of the materials placed before it, trial Court has observed that the age of the victim is 13 years 06 months and accused is residing opposite to the house of victim. She has stated that, on 28.12.2025 at 11:00 a.m. accused came near her house and took herself and her aunt's daughter on his two wheeler, got her some dress and chocolate and dropped near her house. Again on 31.12.2025 accused made victim to keep her school bag in her school and made her to come to his house. When victim entered his house, he took her to his room in the first floor and committed sexual intercourse three times. Further, the trial Court has observed that accused is residing just opposite to the house of victim and the chances of accused tampering vital prosecution witnesses cannot be ruled out and dismissed bail application of the appellant.

6. On perusal of the materials placed before this Court, I do not find any legal or factual error committed by the trial Court. Accordingly, I proceed to pass the following:

O R D E R

The appeal is ***dismissed***.

Sd/-
(G BASAVARAJA)
JUDGE

PGG
List No.: 1 Sl No.: 28