HC-KAR

CNR: KAHC010520172026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11319 OF 2026

BETWEEN:

SRI. SURESH S.V,
S/O VENKATARAVANAPPA,
AGED ABOUT 37 YEARS,
R/A BATLAHALLI VILLAGE
CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT - 563 123.

...PETITIONER

(BY SRI. DEVENDRA N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BATLAHALLI POLICE STATION,
CHIKKABALLAPUR
REPRESENTED BYSTATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. CHILD WELFARE COMMITTEE
CHIKKABALAPUR,
CHIKKABALLAPUR DISTRICT - 562 101.

3. XXX
REP. BY HER NATURAL GUARDIAN / MOTHER -
SMT. ARUNA

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

W/O MANOHARA,
AGED ABOUT 35 YEARS,
R/A BATLAHALLI VILLAGE.
CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT - 563 123.

…RESPONDENTS

(BY SRI. RAHUL RAI K, HCGP FOR R1;
SMT. YAMINI MUNIRAJ, ADVOCATE FOR R3;
R2 - SERVED)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE HIM ON BAIL IN CRIME NO.0038/2026 LATER REGISTERED AS SPL.SC NO.132/2026 FOR THE OFFENCES P/U/S 65(1), 126(2), 351(2) OF BNS 2023 AND SECTIONS 4(2), 5(J)(II) AND 6 OF THE POCSO ACT 2012 REGISTERED BY BATLAHALLI POLICE STATION 1ST RESPONDENT HEREIN AS BAIL APPLICATION FILED BY THE PETITIONER IN SPL.SC NO.132/2026 BEFORE THE COURT OF ADDL.SESSIONS JUDGE AND FAST TRACK SPECIAL COURT-I (POCSO) AT CHIKKABALLAPURA WAS REJECTED VIDE ORDER DATED 21.07.2026 COUPLED WITH.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Special S.C.No.132/2026 pending before the Court of Additional District and Sessions Judge, FTSC-

I(POCSO), Chikkaballapura arising out of Crime No.38/2026 registered by Bhatlahalli Police Station, Chikkaballapura for offences punishable under Sections 65(1), 126(2), 351(2) of BNS 2023 and Sections 4(2), 5(j)(ii), 6 of Protection of Children from Sexual Offence Act, 2012 is before this Court in this petition filed under Section 483 of BNSS 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.38/2026 was registered by Batlahalli Police Station, Chikkaballapura for offences punishable under Sections 65(1) of BNS, 2023, Section 4(2), 5(j)(ii), 6 of POCSO, 2012 against the petitioner herein based on the first information dated 10.04.2026 received from the victim girl aged 14 years.

4. In the said case, petitioner was arrested on 11.04.2026 and remanded to judicial custody after completing investigation charge sheet has been filed against him for the aforesaid offences. His bail application

filed before the Trial Court in Special S.C. No.132/2026 was rejected on 21.07.2026. Therefore he is before this Court.

5. Learned counsel for the petitioner after reiterating the grounds urged in the petition submits that DNA test report does not support the allegation against the petitioner and he has been falsely implicated in the present case. Accordingly prays to allow the petition.

6. *Per contra* learned High Court Government Pleader and learned counsel for respondent No.2 have opposed the petition. Learned counsel for respondent No.2 submits that petitioner had approached the Trial Court on multiple occasions but his bail applications were rejected. He submits that victim girl has made strong allegations against the petitioner and in the event he is enlarged on bail the chances of he tampering with the material charge sheet witnesses cannot be ruled out. Accordingly she prays to dismiss the petition.

7. In the first information submitted by the victim girl on 10.04.2026 she has alleged that petitioner who is her neighbor is acquainted to her. In the year 2025 during Dasara vacation when she was at home, petitioner had summoned her to his house and thereafter locked the door of his house and had forcible sexual intercourse with her. Subsequently, she had missed her menstrual periods and therefore she was taken to hospital and the doctor after medically examining her, informed her mother that victim girl was pregnant. Under the circumstances, she had approached the police on 10.4.2026 and based on her first information FIR was registered against the petitioner invoking the aforesaid offences. Investigation of the case is now completed and charge sheet is filed.

8. Material on record would go to show that victim girl has given birth to a female baby. The DNA test report dated 28.09.2026 made available to this Court by learned High Court Government Pleader would go to show that the

DNA profile result of the female baby born to the victim is not matching with the DNA profile result of the petitioner and it is stated that the petitioner is excluded for being the biological father of the female baby born to the victim girl.

9. Learned counsel for the petitioner has brought to the notice of this Court that petitioner is married man having minor children and he is the sole bread winner of the family.

10. In view of the aforesaid aspects of the matter, I am of the opinion that prayer made by the petitioner for grant of regular bail needs to be answered affirmatively.. Accordingly, the following:

11. Accordingly, the following :

O R D E R

The Criminal Petition is ***allowed***. The petitioner is directed to be enlarged on bail in Spl.S.C.No.132/2026 pending before the Court of Additional District and Sessions judge FTSC-I (POCSO), Chikkaballapura arising

out of Crime No.38/2026 registered by Bhatlahalli Police Station, Chikkaballapura for the offences punishable under Sections 65(1), 126(2), 351(2) of BNS 2023 and Sections 4(2), 5(j)(ii), 6 of Protection of Children from Sexual Offence Act, 2012, subject to the following conditions:

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

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

VS
List No.: 1 Sl No.: 54