HC-KAR

NC: 2026:KHC:63599
CRL.A No. 1408 of 2026

CNR: KAHC010526512026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1408 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI. NAZEER
   S/O DODDA MAHABOOD SABI,
   AGED ABOUT 45 YEARS,
   R/AT GADIGAVARAHALLI VILLAGE,
   CHELURU TALUK, 563124
   CHICKBALLAPUR DISTRICT.

...APPELLANT

(BY SMT. SARITHA A.L.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY SPP
   BUILDING OF HIGH COURT OF KARNATAKA
   BANGALORE-560001
   BY KENCHARLAHALLI POLICE STATION, 560116
   BENGALURU RURAL DISTRICT-560039.

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LAKSHMINARAYAN N
Location: High Court
of Karnataka

2. XXX
   REPRESENTED BY HER GUARDIAN,
   SRI. MURTHY,
   S/O LATE MUNIVENKATAPPA
   AGED ABOUT 34 YEARS,
   R/AT GADIHAVARAHALLI VILLAGE,
   CHELLUR TALUK, CHIKKABALLAPUR (D) 563125.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
V/O DATED:05/11/2026, SRI. VINAYAKA PANDIT, AMICUS CURIAE FOR R2.)

[VIDE COURT ORDER DATED 11.09.2026 CAUSE TITLE AMENDED.]

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CRL.A FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE IN SPL.SC.NO.105/2026 PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I (POCSO) AT CHIKKABALLAPURA, FOR THE OFFENCES P/U/S 64(2)(m),65(1),351(2) OF BNS, U/S 4(2),5(l),5(n),5(j)(ii),6 OF POCSO ACT, 2012, U/S 3(1)(w)(ii),3(2)(v) OF SC/ST (POA) AMENDMENT ACT, 2015 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. Appellant has preferred this appeal against the Order dated 16.07.2026 passed in Spl.SC.No.105/2026 by the Addl. District and Sessions Judge, FTSC-I [POCSO], Chikkaballapura (for short, 'the trial Court').

2. Despite service of notice, respondent No.2 remained absent and unrepresented. Hence, the learned counsel Sri. Vinayaka Pandit is appointed as Amicus Curie for respondent No.2.

3. On the basis of the complaint filed by Bharathi, Kencharlahalli Police Station have registered the case in Crime No.45/2026 against accused Nos.1 and 2 for the

commission of offences punishable under Sections 5(l), 5(n), 6 & Section 4(2) of Protection of Children from Sexual Offences Act, 2012 and Section 351(2) of the Bharatiya Nyaya Sanhita, 2023.

4. Accused No.1 was arrested on 21.03.2026 and produced before the Court and was remanded to judicial custody. Application was filed under Section 483 of BNSS, 2023. Same came to be rejected. Being aggrieved by the said order, appellant/accused No.1 is before this Court.

5. Learned counsel for the appellant would submit that the appellant/accused No.1 is innocent. He has not committed any offence as alleged against him. Accused is in judicial custody since 21.03.2026. His earlier bail application was rejected on the ground that investigation was still pending and he has repeated his relief after filing of the charge sheet. At this time, the relief is rejected on the ground of gravity of offence and its impact on victim.

6. The investigating officer has not produced Birth Certificate of the victim. The appellant has no criminal antecedents. There is inordinate delay in filing the complaint. The impugned order is opposed to provisions of Article 21 of the Constitution of India. On all these grounds, it is sought for allowing this appeal.

7. As against this, the learned Amicus Curiae Sri Vinayaka Pandit and learned High Court Government Pleader Sri Nageshwarappa K, would submit that the victim was 14 years at the time of commission of offence. The victim has clearly stated in her statement under Section 183 of BNSS, 2023, as to the sexual intercourse committed by the accused. The accused had threatened the victim and committed rape. Even in medical records, the doctor has recorded the history of the incident, in which she has stated as to the act of the accused. There are *prima facie* materials against the accused as to commission of alleged offence. The trial Court has properly appreciated the material on record and passed the

impugned order and accordingly, sought for dismissal of the appeal.

8. I have examined the materials placed before this Court. On the basis of the complaint filed by Smt. Bharathi, Kencharlahalli Police have registered the case in Crime No.45/2026 against accused Nos.1 and 2 for commission of offences punishable under Sections 5(l), 5(n), 6 & Section 4(2) of Protection of Children from Sexual Offences Act, 2012 and Section 351(2) of the Bharatiya Nyaya Sanhita, 2023. The police arrested accused on 21.03.2026. The learned Magistrate has recorded the statement under Section 183(5) of BNSS, 2023, in which she has clearly deposed as to the alleged offence committed by the present appellant.

9. On perusal of the materials placed before this Court, it appears that there are *prima facie* materials to constitute the alleged offences. Considering the nature and gravity of offence, prior antecedents of the appellant, I am

of the considered opinion that, it is not a fit case to exercise judicial discretion for grant of bail. The trial Court has properly appreciated the materials on record in accordance with law and facts. Hence, I proceed to pass the following:

O R D E R

Appeal is **dismissed**.

The Registry directed to send copy of this order along with Trial Court Records to the concerned Court forthwith.

Registry is also directed to pay an amount of Rs.5,000/- to the learned Amicus Curiae Sri Vinayaka Pandit.

Sd/-
(G BASAVARAJA)
JUDGE

RL,DHA
List No.: 1 Sl No.: 25