HC-KAR

CNR: KAHC010571652026

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. 1413 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. DILIP KUMAR K @ DILIP
S/O KASHIRAJAPPA,
AGED ABOUT 33 YEARS,
PRESENT R/AT NO.55, 2ND CROSS,
ANKITHNAGAR, SIGEHALLI,
BENGALURU-560067.
PERMANENT R/AT
NEAR MARAMMANA GUDI,
HALLALLI VILLAGE,
HALLI MYSORE POST, HN PURA TALUK,
HASSAN DISTRICT, KARNATAKA- 573210

...APPELLANT

(BY SRI. GIRISH R.,ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

1. STATE OF KARNATAKA
BY BYADARAHALLI PS
NOW REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

2. VICTIM
XXXX

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
SRI. SUMANTH ULLOD, ADV. FOR R2.)

HC-KAR

NC: 2026:KHC:63600
CRL.A No. 1413 of 2026

CNR: KAHC010571652026

CRL.A. FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO ALLOW THE PRESENT CRIMINAL APPEAL AND SET ASIDE THE ORDER DATED 10.08.2026 PASSED BY THE HON'BLE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC I BENGALURU RURAL DISTRICT AT BENGLAURU IN CRL.MISC.NO.1677/2026 AND CONSEQUENTLY BE PLEASED TO ENLARGE THE APPELLANT/ACCUSED ON REGULAR BAIL IN SPL.C.NO.748/2026 ARISING OUT OF CRIME NO.245/2026 OF BYADARAHALLI POLICE STATION, REGISTERED FOR THE OFFENCE P/U/S 4(2),6 OF POCSO ACT 2012 AND SEC.87 AND 127(2) OF BNS 2023 AND SEC.3(2)(v) OF SC/ST (POA) ACT 1989 PENDING ON THE FILE OF THE HON'BLE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC I BENGALURU RURAL DISTRICT AT BENGALURU BY IMPOSING SUCH TERMS AND CONDITIONS AS THIS HON'BLE COURT MAY DEEM FIT AND PROPER IN THE FACTS AND CIRCUMSTANCE OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant has preferred this appeal against the order dated 10.08.2026 passed in Crl.Misc.No.1677/2026 by the Addl. District and Sessions Judge, FTSC-I, Bengaluru Rural District, Bengaluru (for short, 'the trial Court).

2. Learned counsel Sri Sumanth Ullod is appearing on behalf of respondent No.2.

3. I have heard the arguments on both sides. On the basis of the complaint filed by Victim, Byadarahalli Police have registered the case in Crime No.245/2026 against the accused for the commission of offence under Section 8 of POCSO Act, 2012. During the course of investigation, the Investigating Officer has arrested the accused on 18.05.2026 and produced before the Court and was remanded to judicial custody. Application was filed under Section 483 of BNSS, 2023 for grant of regular bail. Same was rejected by the trial Court. Being aggrieved the said order, the appellant has preferred this appeal.

4. Learned counsel for the appellant Sri Girish R would submit that, only at the time of filing FIR, the offence under Section 8 of POCSO Act, 2012 was inserted. Subsequently, after investigation, the IO submitted the charge sheet against the accused for the commission of

offence under Sections 87, 127(1) of BNS, 2023 and Sections 4(2) and 6 of POCSO Act, 2012 and Section 3(2)(v) of SC and ST (POA) Act, 1989 Amendment Act 2015. The medical evidence does not support the case of the prosecution and hence, it is sought for allowing this appeal.

5. Learned counsel for respondent No.2 Sri Sumanth Ullod and learned HCGP Sri K Nageshwarappa would submit that, the trial Court has properly appreciated the evidence on record in accordance with law and facts and hence sought for dismissal of the appeal.

6. On careful examination of the materials placed before this Court, it is clear that, at the time of filing FIR, the case has been registered against the accused for the commission of offence under Section 8 of POCSO Act, 2012. Only after investigation, the IO has submitted charge sheet against the accused under the provision of Sections 4(2) and 6 of POCSO Act, 2012. The accused is

not required for further investigation. The alleged commission of offence under Section 6 of POCSO Act, 2012 is punishable with imprisonment of either description for a term which shall not be less than 3 years, but which may extend to 5 years, and shall also be liable to fine. Whether the accused has committed the offence under Section 8 or under Section 4(2) and 6 of POCSO Act, 2012, has to be adjudicated only after a full-fledged trial. Considering the facts and circumstances of the case, the nature and gravity of offence, I am of the opinion that, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

O R D E R

(i) Appeal is **allowed**;

(ii) The order dated 10.08.2026 passed in Crl.Misc.No.1677/2026 by the Addl. District and Sessions Judge, FTSC-I, Bengaluru Rural District, Bengaluru, is **set aside;** Consequently, application

filed under Section 483 of BNSS, 2023 is **allowed** and the appellant shall be released on bail subject to following conditions:

a) Appellant shall execute a self bond of Rs.1,00,000/- with one surety for likesum to the satisfaction of the trial Court;

b) Appellant shall not tamper or threaten the prosecution witnesses in any manner;

c) Appellant shall appear before the trial Court on all the dates of hearing;

d) Appellant shall co-operate for conducting trial .

The Registry is directed to send copy of this judgment to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 26