HC-KAR

NC: 2026:KHC:63374
CRL.P No. 13948 of 2026

CNR: KAHC010621262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13948 OF 2026

BETWEEN:

SRI K.N. MANOHARA
S/O NAGARAJA
AGED ABOUT 23 YEARS
R/AT KOGELERU, THIMMARAVATHANAHALLI
MULBAGAL, KOLAR - 563 136.

...PETITIONER

(BY SRI NANJUNDA GOWDA M.R, ADV.)

AND:

1. THE STATE OF KARNATAKA
   BY MULABAGAL RURAL POLICE
   STATION, REPRESENTED BY STATE
   PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   DR. AMBEDKAR VEDHI
   BENGALURU - 560 001.

2. XXX

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
V/O/D 05.11.2026 RAJASHEKHAR K, ADV., FOR R-2)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE HIM ON BAIL IN SPL.C (POCSO) NO.5/2026 ARISING OUT OF CR.NO.261/2025 REGISTERED BY MULBAGAL RURAL P.S., PENDING BEFORE THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I (POCSO) AT KOLAR, FOR THE OFFENCES P/U/S 137(2),64,351(2),64,351(2),54 OF BNS, U/S 6 OF POCSO ACT, 2012.

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

HC-KAR

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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in S.C(POCSO)No.05/2026 pending before the Court of Additional District and Sessions Judge, (FTSC-I) (POCSO), Kolar, arising out of Crime No.261/2025 registered by Mulbagal Rural Police Station, Kolar for the offences punishable under Section 137(2), 64, 351(2), 54 of BNS, 2023 and Section 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act, 2012' for short), 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.261/2025 was registered by Mulbagal Rural Police Station, Kolar for the offences punishable under Section 137(2), 64, 351(2) of BNS, 2023 and Section 4 of POCSO Act, 2012 against the petitioner and his mother, based on the first information dated 03.11.2025 received from the victim girl, aged 17 years. During the course of investigation, the petitioner herein was arrested on 15.12.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against two persons and the petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in

S.C(POCSO)No.5/2026 was rejected on 18.07.2026. Therefore, he is before this Court.

4. In the first information submitted by the alleged victim girl, aged 17 years, on 03.11.2025, she has stated that on 01.11.2025, when she was waiting for a bus near the bus stand at their village at about 11:45 a.m., the petitioner and his mother came to the said spot and the petitioner's mother allegedly asked the victim girl to accompany the petitioner in his two-wheeler and forcibly made the victim girl to sit in the two-wheeler of the petitioner. Thereafter, the petitioner took the victim girl to his sister's house. Subsequently, while returning from his sister's house, at about 06:30 p.m., the petitioner stopped his two-wheeler near a field and forcibly took the victim girl to the nearby field, and after removing her clothes, he had sexual intercourse with her against her wishes and thereafter dropped her near her house.

5. In respect of the alleged incident that had taken place on 01.11.2025, FIR was belatedly registered on 03.11.2025. The statement of the victim girl under Section 183 of BNSS, 2023 was recorded in the present case by the jurisdictional Magistrate on 05.11.2025 itself. In the said statement also, the victim girl has reiterated the averments found in the first information. However, she

has not made any allegation that the petitioner had penetrative sexual intercourse with her on the alleged date of incident.

6. The victim girl, in her statement recorded under Section 183 of BNSS, 2023 has stated that after she was dropped by the petitioner near her house, her parents and relatives had enquired with her and thereafter, a panchayath was held. Since the petitioner and his mother did not respond at the panchayath, subsequently, the victim girl had approached the police.

7. Petitioner, aged 23 years, having no other criminal antecedents, is in custody for the last more than 11 months. Investigation of the case is already completed and charge sheet is filed. Order sheet of the Trial Court would go to show that, in spite of coercive steps being taken against the victim girl and her parents, they have not appeared before the Trial Court for the purpose of recording their evidence. The Trial Court has even issued proclamation order as against the victim girl and her parents. Till date, not even a single charge sheet witness has been examined in the present case.

8. Considering the nature of allegations found against the petitioner, the age of the parties and since the victim girl and her parents have not been co-operating before the Trial Court, I am of the opinion that the prayer made by the petitioner for grant of regular

bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

i) The Criminal Petition is ***allowed***.

ii) The petitioner is directed to be enlarged on bail in S.C(POCSO)No.05/2026 pending before the Court of Additional District and Sessions Judge (FTSC-I) (POCSO), Kolar, arising out of Crime No.261/2025 registered by Mulbagal Rural Police Station, Kolar for the offences punishable under Section 137(2), 64, 351(2), 54 of BNS, 2023 and Section 6 of Protection of Children from Sexual Offences Act, 2012, subject to the following conditions:

a) The 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

SHS
List No.: 1 Sl No.: 45