HC-KAR

NC: 2026:KHC:59712
CRL.P No. 14347 of 2026

CNR: KAHC010647052026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14347 OF 2026

BETWEEN:

AHAMED SHARIFF @ AHAMED PASHA
S/O AHAMAD PASHA
AGED ABOUT 58 YEARS
R/O 7TH CROSS,
MOMIN MOHALLA,
R.M. BACK SIDE,
BHADRAVATHI - 577 301.

...PETITIONER

(BY SRI. SANDESH P. NADIGER, ADVOCATE)

AND:

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
THKROUGH BHADRAVATHI
OLD TOWN POLICE STATION
SHIVAMOGGA DISTRICT
REPRESENTED BY THE SPP,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. AYESHA BI
W/O SHAMSHU TABREZ
AGE ABOUT MAJOR
R/O MOMIN MOHALLA, 7TH CROSS
HOLEHONNUR ROAD, BHADRAVATHI

SHIVAMOGGA DISTRICT - 577 301.

…RESPONDENTS

(BY SRI. RAHUL RAI K, HCGP FOR R1;
SRI. N.S. SAMPANGIRAMAIAH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO GRANT BAIL TO THE PETITIONER IN CR.NO.58/2026 REGISTERED BY THE BHADRAVATHI OLD TOWN POLICE STATION, SHIVAMOGGA DISTRICT, FOR THE OFFENCES P/U/S 329(4), 351(2), AND 64(2)(j) OF THE BNS 2023 AND SEC. 4 AND 8 OF THE POCSO ACT 2012 PENDING IN SPL.C.NO.242/2026 ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I(POCSO) SHIVAMOGGA.

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 Case No.242/2026 pending on the file of Additional District and Sessions Judge, FTSC-I (POCSO), Shivamogga, arising out of Crime No.58/2026 registered by Bhadravathi Old Town Police Station, Shivamogga, for the offences punishable under Section 329(4), 351(2), 64(2)(j) of BNS, 2023 and Section 8 and

4 of POCSO 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 parties.

3. FIR in Crime No. 58/2026 was registered by Bhadravathi Old Town Police Station, Shivamogga, against the petitioner herein, based on the first information dated 03.06.2026 received from the victim girl, aged 16 years. In the said case, the petitioner was arrested on 04.06.2026 and remanded to judicial custody. After completing investigation, charge sheet is filed against him for the aforesaid offences. His bail application filed before the jurisdictional Sessions Court in Crl. Misc. No. 884/2026 was rejected on 28.08.2026. Therefore, he is before this Court.

4. Material on record would go to show that the family of the victim girl is staying in the rented premises belonging to the petitioner. The allegation against the

petitioner is that he had entered the house of the victim girl when her parents and siblings were not in the house and had forcible sexual intercourse with her. The victim girl has made serious allegations against the petitioner of committing rape on her, in her statement that was recorded by the jurisdictional Magistrate under Section 183 of the BNSS, 2023. No material is produced before this Court to prima facie show that there was any reason for falsely implicating of the petitioner in the present case. It appears that the victim girl had studied only up to 7th standard and thereafter had discontinued her studies. According to the learned counsel appearing for respondent No.2, the victim girl is mentally abnormal, and taking advantage of this position, the petitioner had sexually assaulted her. Considering the allegations against the petitioner, the medical records and the statement of the victim girl under Section 183 of the BNSS, 2023, I am of the opinion that his prayer for grant of regular bail at this

stage cannot be entertained. Under the circumstances, the following order:

5. The Criminal Petition is ***dismissed,*** with liberty to the petitioner to file a fresh bail application before the trial Court after the victim girl is examined. It is needless to state that the trial Court as well as the prosecution shall make all endeavours to expedite the trial of the case and examine the victim girl at the earliest.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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List No.: 1 Sl No.: 79