HC-KAR

NC: 2026:KHC:64019
CRL.A No. 1628 of 2026

CNR: KAHC010667692026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1628 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SATHISH C
   S/O. CHANNAKESHAVA
   AGED ABOUT 37 YEARS
   R/AT 10TH CROSS,
   OPP. GANESHA TEMPLE ROAD,
   NEAR LAGGERE BRIDGE,
   BEGNALURU-560 058.
   (A3, NOW IN JC)

...APPELLANT

(BY SRI. MANJUNATHA B. V.,ADVOCATE)

AND:

1. THE STATE BY SHO,
   GOVINDARAJANAGAR P.S,
   BENGALURU,
   REP. BY STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU-560 001.

2. REVATHI
   W/O. MANJUNATH
   AGED ABOUT 33 YEARS
   RESIDING AT NO. 53
   4TH CROSS, SRINIVASANAGAR,
   PATTEGARAPALYA, BENGALURU-560 072

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
V/O DTD: 16/11/26 SRI. VINAYAKA PANDIT, AMICUS CURIAE FOR R2.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

HC-KAR

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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 SET ASIDE THE ORDER PASSED BY THE TRAIL COURT DATED 31/08/2026 IN CRL.MISC NO 4029/2026 PENDING IN FILE OF HONBLE ADDL CITY CIVIL AND SESSIONS JUDGE, FAST TRACK SPECIAL COURT-V AT BENGALURU CITY AND ALLOW THE APPEAL AND RELEASE THE APPELLANT ON BAIL IN CRIME NO. 0327/2025 (IN SPL C.C NO: 2261/2025) IN GOVINDARAJANAGAR POLICE STATION FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTION 70(2), 351(2), 351(3), 137(2) OF THE BHARATIYA NYAYA SANHITA, 2023 AND SECTION 4, 5(1), 5(G), 6, 8 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT AND SECTIONS 3(1)(w)(i), 3(2)(v) OF SC-ST (PREVENTION OF ATROCITIES) ACT, 1989 PENDING ON THE FILE OF HONBLE FAST TRACK SPECIAL COURT-V AT BENGALURU CITY.

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 who is accused No.3, has preferred this appeal against the order passed by the Additional City Civil and Sessions Judge, FTSC-III, C/C Addl. City Civil and Sessions Judge-FTSC-V, Bengaluru City in Criminal Miscellaneous No.4029/2026 dated 31.08.2026.

2. Brief facts leading to this appeal are that on the basis of the complaint filed by Revathi the mother of the victim, Govindaraja Nagara Police, have registered the case in Crime No.327/2025 against accused Nos.1 to 3 for the offence punishable under Sections 4, 5(i), 5(g), 6, 8 of the Protection of Children from Sexual Offences Act, 2012, 70(2), 351(2), 351(3), 137(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. During the course of investigation, the Investigating Officer has arrested the accused on 25.08.2025, produced before the Special Court and the accused were remanded to judicial custody. The bail application was filed by the present accused under Section 483 of BNSS came to be rejected by the Special Court. Being aggrieved by this order, the appellant has preferred this appeal.

4. The learned counsel appearing on behalf of the appellant would submit that, there is delay of 3

days in filing the complaint. While recording statement under Section 183(5) of BNSS, the victim has not disclosed the name of the present appellant. The case of the prosecution is also not supported in medical evidence. There is no eye-witness to this alleged incident. On all these grounds, sought for allowing this appeal.

5. As against this, Sri Vinayaka Pandit, Amicus Curiae for respondent No.2, and learned HCGP, Sri K.Nageshwarappa for respondent No.1/State would submit that the name of the accused/appellant is shown in the FIR as well as the medical examination report of the victim. The trial Court has properly appreciated the materials on record in accordance with law and facts and sought for dismissal of this appeal.

6. On careful examination of the materials on record, it is clear that there is delay of 3 days in filing the complaint. In column No.3(c) of the FIR, it is

stated that the complainant has informed as to the alleged incident to her younger brother Chetan. Thereafter, she registered the complaint. After thorough investigation, the Investigating Officer has submitted the charge-sheet against accused Nos.1 to 3 for the offences under Section 6 of Protection of Children from Sexual Offences Act, 2012, Sections 70(2), 87, 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. In column No.17 of the charge-sheet, it is clearly stated that accused No.3 has forcible sexual intercourse with the victim. This is a gang rape case.

8. On perusal of materials placed before this Court, at this stage, there are prima facie materials to constitute the alleged commission of offences, which are heinous in nature. The trial Court has properly appreciated the materials on record in accordance with law and facts. At this stage, if the appellant is

released on bail, he may tamper or threaten the prosecution witnesses and also it will affect the society at large. Hence, I proceed to pass the following:

ORDER

Appeal is ***dismissed***.

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

Sd/-
(G BASAVARAJA)
JUDGE

KBM
List No.: 1 Sl No.: 37