HC-KAR

NC: 2026:KHC:61544
CRL.P No. 15243 of 2026

CNR: KAHC010679962026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15243 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

MR. RUDRESHA J @ RUDRAPPA
S/O. JAYANNA,
AGED ABOUT 25 YEARS
R/AT. RATHNAGIRIHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA - 577 522.

...PETITIONER

(BY SRI. K V SATEESHCHANDRA, ADVOCATE)

AND:

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

1. STATE BY CHALLAKERE POLICE STATION
CHALLAKERE TALUK,
CHITRADURGA - 577 522
REPRESENTED BY ITS,
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU 560 001.

2. MRS. PAPAMMA
W/O. PALAIAH,
AGED ABOUT 40 YEARS,
R/AT. RATHNAGIRIHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA - 577 522.

...RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP FOR R1;
V/O DATED 03.11.2026, NOTICE TO R2 HELD SUFFICIENT)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND ENLARGE THE PETITIONER ON BAIL IN SPL.C (POCSO) NO.76/2026 (CR.NO.54/2026 OF CHALLAKERE P.S) FOR ALLEGED OFFENCE P/U/S 137(2), 351(2), 64(2)(m), 65(1) OF BNS 2023 ALONG WITH SEC.4 AND 6 OF POCSO ACT 2012 ON THE FILE OF THE COURT OF THE SPL. II ADDL. DISTRICT AND SESSIONS JUDGE AT CHITRADURGA AND DIRECT THE PETITIONER BE RELEASED ON BAIL ON SUCH TERMS AND CONDITIONS DEEMED FIT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused in Special Case No.76/2026 pending before the Court of Spl., II Additional District and Sessions Judge, Chitradurga arising out of Crime No.54/2026 registered by Challakere Police Station, Chitradurga, for offences punishable under Sections 137(2), 351(2), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) and Sections 4 and 6 of Protection of Children from Sexual Offences Act-POCSO Act, 2012 is before this Court in this petition under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail.

2. Heard learned counsel for the petitioner and learned HCGP. Though respondent No.2 is served in the matter, she is unrepresented before this Court.

3. FIR in Crime No.54/2026 was registered by Challakere Police Station, Chitradurga, for the offences punishable under Sections 137(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) against unknown persons based on first information received from respondent No.2 who is the mother of the victim girl. During the course of investigation, petitioner and the victim girl were traced. Petitioner was arrested on 03.03.2026 and remanded to judicial custody. His bail application filed before the trial Court in Special Case No.76/2026 was rejected on 01.09.2026. Therefore, petitioner is before this Court.

4. In the first information submitted by the mother of the victim girl, it is stated that victim girl was found missing from their house on 10.02.2026 and efforts made to

trace her had failed. Therefore, on 13.02.2026 she had approached the police and based on her first information FIR was registered against unknown person under Section 137(2) of BNS, 2023. During the course of investigation petitioner and victim girl were traced. Petitioner was arrested on 03.03.2026 and remanded to judicial custody. In the charge sheet it is alleged that petitioner and the victim girl are close relatives and they are knowing each other. It is alleged that on 10.02.2026 petitioner had taken the victim girl to a maize field and had sexual intercourse with her. They stayed in the said maize field for a period of about four days and subsequently, on 15.02.2026, petitioner had dropped the victim to her relatives house.

5. The victim girl is now examined before the trial Court as PW1. She has been treated as partially hostile witness by the prosecution and cross examined. According to the learned counsel for petitioner there are a lot of discrepancies in the evidence of PW1. Be that as it may, at this stage the evidence of witnesses cannot be

appreciated. Its suffice to note that the victim girl has already been examined before the trial Court and therefore the chances of petitioner tampering the material charge sheet witness would not arise. Petitioner is in custody for more than seven months. Under the circumstances, following:

ORDER

The Criminal Petition is ***allowed***. The petitioner is directed to be enlarged on bail in Spl.C.(POCSO)No.76/2026 pending before the Court of Spl., II Additional District and Sessions Judge, Chitradurga, arising out of Crime No.54/2026 of Challakere Police Station, Chitradurga, registered for the offences punishable under Sections 137(2), 351(2), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) and Sections 4 and 6 of the POCSO Act, 2012, subject to the following conditions:

a) Petitioner shall execute a 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

SBN
List No.: 1 Sl No.: 57