HC-KAR

NC: 2026:KHC:65406
CRL.P No. 15239 of 2026

CNR: KAHC010680842026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15239 OF 2026

BETWEEN:

1. SRI LATHIF @ MOHAMMAD KHAIF
S/O SYED RAHIM
AGED ABOUT 18 YEARS
R/O 2ND CROSS, BUDDANAGARA
SHIVAMOGGA - 577 201.

...PETITIONER

(BY SRI TIGADI VEERANNA GADIGEPPA, ADV.)

AND:

1. STATE OF KARNATAKA
BY VINOBANAGARA POLICE
REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT COMPLEX
BENGALURU - 560 001.

2. XXX

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
V/O DTD:28.10.2026 SERVICE OF
NOTICE TO R-2 HELD SUFFICIENT)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON REGULAR BAIL IN SPL.C NO.337/2025 ON THE FILE OF THE HONBLE ADDL.DISTRICT AND SESSIONS JUDGE, FTSC-I (POCSO) SHIVAMOGGA FOR THE ALLEGED OFFENCES P/U/S 64, 54 OF BNS SECTION 4, 17 OF POCSO ACT 2012 REGISTERED BY THE VINOBANAGARA POLICE IN CRIME NO.213/2025.

CNR: KAHC010680842026

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 No.1 in Special Case No.337/2025 pending before the Court of Additional District and Sessions Judge, FTSC-I, Shivamogga, arising out of Crime No.213/2025 registered Vinobanagara Police Station, Shivamogga, for the offences punishable under Sections 64 and 54 of BNS, 2023 and Sections 4 and 17 of the 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 the petitioner and learned HCGP for respondent No.1-State. Respondent No.2, who is served in the matter has remained unrepresented before this Court.

3. FIR in Crime No.213/2025 was registered by Vinobanagara Police Station, Shivamogga, for the aforesaid offences against petitioner and others based on the first information dated 05.09.2025 received from the victim girl,

aged about 15 years 5 months as on the date of registration of the FIR. In the said case, petitioner was arrested on 22.09.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed in the present case for the aforesaid offences against two persons. Petitioner is arraigned accused No.1 in the charge sheet. His bail application filed before the Trial Court in Special Case No.337/2025 was rejected on 27.06.2026. Therefore, he is before this Court.

4. In the first information dated 05.09.2025 submitted by the victim girl she has alleged that on 02.08.2025, she had gone to the house of accused No.2 Divya and stayed there. In the said house, she was given sting juice and after consuming the same, she lost her consciousness. On the next day, she came to know that petitioner had sexual intercourse with her. It is under these circumstances, she had approached police on 05.09.2026.

5. Statement of the victim girl under Section 183 of BNSS, 2023, has been recorded in the present case by the jurisdictional Magistrate on 12.09.2025. In the said statement,

victim girl has stated that on 02.08.2025, she had gone to the house of Divya and slept in the said house after consuming sting juice. She has stated that on the next day, when she woke up, she found petitioner was sleeping beside her. She has not made any allegation against the petitioner about he committing any kind of sexual assault on her, in her statement that was recorded by the learned Magistrate.

6. In respect of the alleged incident that had taken place on 02.08.2025, first information was belatedly submitted after a period of more than one month. In the first information, it is stated that after the mother of the victim girl came to know about the incident that had taken place on 02.08.2025, she had approached the police. Petitioner aged 18 years, having no other criminal antecedents, is in custody for the last more than one year. Investigation of the case is already completed. Considering the nature of allegations against the petitioner and more so, the statement of the victim girl recorded under Section 183 of BNSS, 2023, the following order:-

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Special Case No.337/2025 pending before the Court of Additional District and Sessions Judge, FTSC-I, Shivamogga, arising out of Crime No.213/2025 registered Vinobanagara Police Station, Shivamogga, for the offences punishable under Sections 64 and 54 of BNS, 2023 and Sections 4 and 17 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

DN
List No.: 1 Sl No.: 54