HC-KAR

NC: 2026:KHC:63767
CRL.P No. 15757 of 2026

CNR: KAHC010708812026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15757 OF 2026

BETWEEN:

1. KRISHMA NAIKA K R
   S/O RAMESHANAIKA
   AGED ABOUT 21 YEARS
   R/AT KUNCHENAHALLI VILLAGE
   HOLALURAI SHIVAMOGGA TALUK
   SHIVAMOGGA DISTRICT 577 225.

...PETITIONER

(BY SRI NAGENDRA B, ADV.)

AND:

1. STATE OF KARNATAKA
   BY KUMSI POLICE STATION
   REP BY THE STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BENGALURU 56 0001.

2. XXX

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
V/O DTD:17.11.2026 R-2 H/S)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO RELEASE ON BAIL WHO IS ACCUSED NO.1 IN SPL.C.NO.262/2026 (CR.NO.146/2026) FOR THE OFFENCE P/U/S 127(3),137(2),329(2),64(1) OF BNS AND SEC.17,6 OF POCSO ACT THEREBY KUMSI POLICE PENDING ON THE FILE OF THE ADDL.DIST. AND SESSIONS JUDGE FTSC-1 AT SHIVAMOGGA IN RESPECT OF THE PETITIONER / ACCUSED NO.1.

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

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 No.1 in S.C.No.262/2026 pending before the Court of Additional District and Sessions Judge FTSC-I, Shivamogga arising out of Crime No.146/2026 registered by Kumsi Police Station, Shivamogga for the offences punishable under Section 17 and 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act, 2012' for short) and Section 127(3), 137(2), 329(2) and 64(1) of BNS, 2023, 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 High Court Government Pleader on behalf of respondent No.1-State. Respondent No.2, who is served in the matter, has remained unrepresented before this Court.

3. FIR in Crime No.146/2026 was registered by Kumsi Police Station, Shivamogga for the offences

punishable under Section 137(2) of BNS, 2023 against the petitioner herein, based on the first information dated 02.07.2026 received from respondent No.2, who is the father of the victim girl, aged about 17 years. In the said case, the petitioner herein was arrested on 08.07.2026 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.1035/2026 was rejected on 29.09.2026. Therefore, he is before this Court.

4. A reading of the first information would reveal that the victim girl, aged 17 years, was found missing from her house on 30.06.2026. Efforts made to trace her had failed and therefore, her father had approached the Police on 02.07.2026. During the course of investigation, the petitioner and the victim girl were traced. The petitioner was arrested and remanded to judicial custody on 08.07.2026. The statement of the victim girl under Section 183 of BNSS, 2023 was recorded in the present case on 13.07.2026. The victim girl has not made allegation

against the petitioner which would attract the offences punishable under Section 64 of BNS of 2023 or Section 6 of POCSO Act, 2012 against the petitioner. It is brought to the notice of this Court by the learned counsel for the petitioner that the victim girl has not co-operated even for her medical examination. The petitioner, aged 22 years, having no other criminal antecedents, is in custody for the last more than four months. Investigation of the case is already completed.

5. Under the circumstances, 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.No.262/2026 pending before the Court of Additional District and Sessions Judge FTSC-I, Shivamogga arising out of Crime No.146/2026 registered by Kumsi Police

Station, Shivamogga for the offences punishable under Section 17 and 6 of POCSO Act, 2012 and Section 127(3), 137(2), 329(2) and 64(1) of BNS, 2023, 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.: 74