HC-KAR

NC: 2026:KHC:64602
CRL.P No. 15942 of 2026
C/W CRL.P No. 16180 of 2026

CNR: KAHC010719522026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15942 OF 2026

C/W

CRIMINAL PETITION NO. 16180 OF 2026

IN CRL.P No. 15942/2026

BETWEEN:

KIRAN KUMAR A N
S/O NAGARAJU
AGED ABOUT 34 YEARS
R/AT ATTIHALLI VILLAGE
NUGGEHALLI HOBLI,
CHANNARAYAPATTANA TALUK,
HASSAN - 01.

...PETITIONER

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Location: HIGH COURT OF KARNATAKA

(BY MS. PAVANA B.K, ADVOCATE FOR
SRI. PRATHEEP K.C, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY NUGEHALLI POLICE STATION
HASSAN DISTRICT
REP. BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. KUMARA,

S/O KOLLABHOVI,
AGED ABOUT 44 YEARS,
R/AT DEVAKATHIKOPA,
AMBEDKAR NAGARA VILLAGE,
KASABA HOBLI, SHIVAMOGGA TALUK,
SHIVAMOGGA - 01

…RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;
SRI. SYED ASIF PASHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER ON BAIL IN SPL.C 341/2026 PENDING ON THE FILE OF THE HONBLE ADDL.DISTRICT AND SESSIONS JUDGE FTSC-1 AT HASSAN FOR THE OFFENCES P/U/S 64 OF BNSS SECTION 9, 10, 11 POCSO 3(1)(w)(i)(ii), 3(2)(v) OF SC AND ST (POA) AMENDMENT ACT BY NUGGEHALLI POLICE STATION.

IN CRL.P NO. 16180/2026

BETWEEN:

1. MALA
W/O KUMARA,
AGED ABOUT 41 YEARS,
R/O DEVAKATIKOPPA,
AMBEDKARNAGARA VILLAGE
KASABA HOBLI, SHIMOGA TALUK
SHIVAMOGGA DISTRICT - 01.

2. NAGARAJU
S/O LATE THIMMEGOWDA
AGED ABOUT 60 YEARS
R/O ATTIHALLI VILLAGE,
NUGGEHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 01.

3. VASANTA
W/O NAGARAJU
AGED ABOUT 56 YEARS,
R/O ATTIHALLI VILLAGE,
NUGGEHALLI HOBLI,
CHANNARYAPATTANA TALUK,
HASSAN DISTRICT - 01.

4. MANJUNATHA
S/O LATE NANJAPPA,
AGED ABOUT 52 YEARS,
R/O JAMBURU VILLAGE,
NUGGEHALLI VILLAGE,
CHANNARYAPATTANA TALUK,
HASSAN DISTRICT - 01.

5. SHAKUNTHALA
W/O MANJUNATHA
AGED ABOUT 42 YEARS,
R/O JAMBURU VILLAGE,
NUGGEHALLI VILLAGE,
CHANNARYAPATTANA TALUK,
HASSAN DISTRICT - 01.

6. BHOOMIKA
W/O KRISHNAMURTHY
AGED ABOUT 21
AGASAVALLI HOSURU VILLAGE,
KASABA HOBLI, SHIMOGA TALUK
SHIVAMOGGA DISTRICT - 01.

...PETITIONERS

(BY MS. PAVANA B.K, ADVOCATE FOR
SRI. PRATHEEP K.C, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP. BY NUGGEHALLI POLICE STATION,
   HASSAN DISTRICT,
   REP. BY ITS STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BANGALORE - 01.

2. KUMARA,
   S/O KOLLABHOVI,
   AGED ABOUT 44 YEARS,
   R/AT DEVAKATHIKOPA,
   AMBEDKARNAGARA VILLAGE,
   KASABA HOBLI, SHIVAMOGGA TALUK,
   SHIVAMOGGA - 01.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;
SRI. SYED ASIF PASHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 438 OF CR.P.C (U/S 482 BNSS) PRAYING TO ALLOW THIS PETITION AND GRANT BAIL IN SPL.C.NO.341/2026 REGISTERED BY NUGGEHALLI P.S., PENDING BEFORE THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I, AT HASSAN, FOR THE OFFENCE P/U/S 64 OF BNS, U/S 4 AND 6 OF POCSO ACT, U/S 3(1)(w)(i)(ii) AND 3(2)(v) OF SC/ST (POA) AMENDMENT ACT, U/S 9, 10, 11 OF PROHIBITION OF CHILD MARRIAGE ACT.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

HC-KAR

NC: 2026:KHC:64602
CRL.P No. 15942 of 2026
C/W CRL.P No. 16180 of 2026

CNR: KAHC010719522026

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

These two petitions arise out of the common Crime and therefore are heard together and disposed of by this common order.

2. Accused Nos.1 to 7 in Special Case No.341 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-1, Hassan arising out of Crime No.92 of 2026 registered by Nuggehalli Police Station, Hassan for the offences punishable under Section 64 of BNSS, 2023, Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006, Section 4, 6 of POCSO Act, 2012, Section 3(1)(w)(i)(ii), 3(2)(v) of SC & ST (POA) Amendment Act, 2015, are before this Court in these two petitions filed under Section 483 of BNSS, 2023 and 482 of BNSS, 2023 seeking regular bail and anticipatory bail respectively.

3. Heard the learned counsel for the parties.

4. Shivamogga Rural Police Station, Shivamogga had registered a zero FIR against the petitioner and others for the offences punishable under Section 9 and 10 of Prohibition of Child Marriage Act, 2006, based on the first information dated 03.07.2026 received from Shivakumar Hosamani, Panchayat Development Officer of jurisdictional Gram Panchayat. Subsequently, the said FIR was transferred to Nuggehalli Police Station, Hassan for want of jurisdiction and was registered in Crime No.92 of 2026. In the said case, accused No.1 was arrested on 07.07.2026 and remanded to judicial custody. His bail application filed before the Trial Court in Crl.Misc.No.1046 of 2026 was rejected on 07.10.2026. Therefore, he is before this Court in Criminal Petition No.15942 of 2026. Apprehending arrest in the case, accused Nos.2 to 7 had approached the jurisdictional Sessions Court in Crl.Misc.No.1045 of 2026, which was rejected on 07.10.2026. Therefore, they are before this Court in Criminal Petition No.16180 of 2026.

5. Allegation against the accused persons is that on 18.06.2026, accused Nos.2 to 7 knowing very well that victim girl was a minor, performed her marriage with the petitioner. Thereafter, the petitioner and the victim girl lived together as husband and wife and had sexual intercourse. Statement of the victim girl under Section 183 of the BNSS, 2023 was recorded in the present case on 10.07.2026. As on the said date, she was aged 17 years 6 months. In her statement, she has stated that her parents had separated and her mother had informed her that her marriage would be performed after she attains the age of 18 years. In the meanwhile, the police have registered a case. Except the same, she has not made any other allegations which would attract the charge-sheet offences against the accused persons.

6. Under the circumstances, I am of the opinion that the prayer made by the petitioners in these two petitions needs to be answered affirmatively. Accordingly, the following:

IN CRL.P.NO.15942/2026

O R D E R

(i) The Criminal Petition is allowed.

(ii) The petitioner/accused No.1 is directed to be enlarged on bail in Special Case No.341 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-1, Hassan arising out of Crime No.92 of 2026 registered by Nuggehalli Police Station, Hassan for the offences punishable under Section 64 of BNSS, 2023, Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006, Section 4, 6 of POCSO Act, 2012, Section 3(1)(w)(i)(ii), 3(2)(v) of SC & ST (POA) Amendment Act, 2015, subject to the following conditions:

a) Accused No.1 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) Accused No.1 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) Accused No.1 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Accused No.1 shall not involve in similar offences in future.

IN CRL.P.NO.16180/2026

O R D E R

(i) The criminal petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioners/accused Nos.2 to 7 in the event of their arrest in Special Case No.341 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-1, Hassan arising out of Crime No.92 of 2026 registered by Nuggehalli Police Station, Hassan for the offences punishable under Section 64 of

BNSS, 2023, Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006, Section 4, 6 of POCSO Act, 2012, Section 3(1)(w)(i)(ii), 3(2)(v) of SC & ST (POA) Amendment Act, 2015, subject to the following conditions:

a) Accused Nos.2 to 7 shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum to the satisfaction of the investigating officer.

b) Accused Nos.2 to 7 shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

c) Accused Nos.2 to 7 shall not tamper with the prosecution witness and they shall co-operate with the police for investigation and appear before them whenever called upon.

d) Accused Nos.2 to 7 shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 59