HC-KAR

NC: 2026:KHC:65122
CRL.P No. 16073 of 2026

CNR: KAHC010728752026

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. 16073 OF 2026

BETWEEN:

KARTHIK. S
S/O ANANTHA NAYAK
AGED ABOUT 26 YEARS
R/AT D.NO.6-54, SHEDIGURI HOUSE
ARYAPU POST AND VILLAGE
PUTHUR TALUK
DAKSHINA KANNADA DISTRICT.

...PETITIONER

(BY SRI. NAGESHA POOJARY.Y., ADVOCATE)

AND:

THE STATE BY
DK WOMEN POLICE STATION
PUTHUR SUB DIVISION
REPRESENTED BY SSP,
HIGH COURT BUILDING,
BANGALURU - 560 001

...RESPONDENT

(BY SRI. RAHUL RAI.K., HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010728752026

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.40/2026 OF WOMEN P.S. PUTHRU SUB DIVISION OF D.K DISTRICT FOR THE OFFENCE P/U/S 64(2)(k) OF BNS 2023 WHICH IS PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND J.M.F.C COURT PUTTUR, D.K., ETC.,

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 in Crime No.40 of 2026 registered by the Dakshina Kannada Women Police Station, Dakshina Kannada for the offence punishable under Section 64(2)(k) of BNS, 2023, pending before the Court of VI Additional District and Sessions Judge, Puttur, Dakshina Kannada, is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.40 of 2026 was registered by the Dakshina Kannada Women Police Station, Dakshina Kannada for the aforesaid offence against petitioner herein, based on the first information dated 06.07.2026 received from Smt.Leelavathi who is the mother-in-law of alleged victim aged 37 years. In the said case, petitioner was arrested on 06.07.2026 and remanded to judicial custody on 07.07.2026. His bail application filed before the Jurisdictional Sessions Court in Crl.Misc.No.675 of 2026 was rejected on 25.09.2026. Therefore, he is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that husband of the victim had approached the police on 04.07.2026, but no allegations were made against the petitioner about he committing the act of rape on the victim. After two days, mother-in-law of victim has filed a false complaint, in the background of a civil dispute

between the two families who are close relatives. Accordingly, he prays to allow the petition.

5. Per contra, the learned HCGP who has opposed the petition submits that the victim lady is mentally unsound. She could not explain the act committed by the petitioner to her husband on 04.07.2026. It is under these circumstances, subsequently, her mother-in-law has lodged a complaint. He submits that victim lady has made allegations in her statement recorded under Section 183 of BNSS, 2023 before the jurisdictional Magistrate and even the medical records of the victim would suggest forcible sexual intercourse. Accordingly, he prays to dismiss the petition.

6. A reading of the first information would indicate that the petitioner is closely related to the family of the first informant. The husband of the victim lady had approached Puttur Rural Police Station on 04.07.2026 and submitted a complaint alleging that on 04.07.2026, when

his wife was alone in the house, the petitioner who is their close relative had troubled his wife. He has alleged that petitioner was constantly troubling his wife unnecessarily and therefore, he had requested the police to summon the petitioner and advise him. On 06.07.2026, mother-in-law of the victim had approached the police and in her first information, she has alleged that on 04.07.2026, petitioner who came to the house of the victim lady, when she was alone, had forcible sexual intercourse with her. However, victim lady could not explain the said act to her husband and therefore, in the complaint lodged on 04.07.2026 by the husband of the victim lady, the act of rape committed by the petitioner has not been mentioned.

7. Material on record would go to show that marriage of the victim lady had taken place about thirteen years prior to registration of the FIR and from the wedlock, she has two children. Statement of the victim lady under Section 183 of BNS, 2023 was recorded in the present case by the jurisdictional Magistrate on

01.08.2026. In the said statement, she has stated that on a Saturday when she was alone in her house at about 10.00 a.m., petitioner who came to her house had forcible sexual intercourse with her against her wishes. Subsequently, she had informed the said incident to her son studying in third standard and he thereafter, had informed the same to her mother-in-law. Her mother-in-law had informed about the incident to her husband on Sunday and thereafter, her mother-in-law and her co-sister had taken her to a Government hospital and also to the police station.

8. 04.07.2026 was a Saturday and on the very same day, husband of the victim had approached the police alleging that petitioner was regularly troubling his wife. But in his complaint submitted on 04.07.2026, husband of the victim lady has not made any allegations about the alleged act of rape committed by the petitioner on his wife. After two days, mother-in-law of the victim lady has submitted a separate complaint before Dakshina

Kannada Women Police Station, alleging that petitioner had raped the victim lady on 04.07.2026. It is only thereafter, the victim lady was taken to hospital for medical examination. Undisputedly, the victim lady had no external injuries on her body. Investigation of the case is now complete and charge-sheet is already filed. Petitioner, aged 26 years having no other criminal antecedents is in custody for the last more than four months. Trial in the case is yet to commence. In the petition, it is specifically pleaded that there is a land dispute between the parties and it is in this background, a false case has been registered against the petitioner. In view of the aforesaid aspects of the matter, I am of the opinion that prayer made by the petitioner for grant of regular bail needs to be answered in 'affirmative', without expressing any opinion on merits and de-merits of the case. Accordingly, the following:

ORDER

The petition is ***allowed***. The petitioner shall be enlarged on bail in S.C.No.147 of 2026, pending before the Court of VI Additional District and Sessions Judge, Puttur, Dakshina Kannada, arising out of Crime No.40 of 2026 of Women Police Station, Puttur Sub-Division, Dakshina Kannada District, for the offence punishable under Section 64(2)(k) of BNS, 2023, subject to the following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like-sum, 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 the permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DH
List No.: 1 Sl No.: 62