HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.101305 OF 2026

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

BETWEEN:

KISHAN S/O. VENKATESH BETAGERI,
AGE. 20 YEARS, OCC. STUDENT,
R/O. NEAR ANIKERI, HANGAL,
HANGAL TALUK, DIST. HAVERI-581104.

...PETITIONER

(BY SRI. MRUTYUNJAYA S.HALLIKERI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REP. BY STATE OF PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   DHARWAD BENCH AT DHARWAD-580011,
   THROUGH HANGAL PS, HANGAL CIRCLE,
   HAVERI-581104.

2. SMT. PUSHPA W/O. NAGARAJ CHOUTI,
   AGE. 35 YEARS, OCC. HOUSEWIFE,
   R/O. MADURU VILLAGE, TQ. HANGAL,
   DIST. HAVERI-581104.

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 IS SERVED)

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH
DHARWAD

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (UNDER SECTION 483 OF BNSS, 2023) PRAYING TO RELEASE THE PETITIONER/ACCUSED NO.2 ON REGULAR BAIL IN SPL. S.C.NO.125/2025 (CRIME NO.183/2025) HANGAL PS) PENDING ON THE FILE OF ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I, AT HAVERI FOR THE OFFENCES P/U/SEC. 137(2), 62, 64(1) 351 R/W 3(5) OF BNS, 2023 AND SEC. 4, 8 AND 12, 17 AND 18 OF THE POCSO ACT, 2012.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader (HCGP) for the first respondent. Second respondent though served, there is no representation.

2. This petition is filed seeking regular bail in connection with Spl.S.C.No.125/2025 on the file of Sessions Judge, Haveri.

3. The FIR is registered in Crime No.183/2025 on the basis of the complaint filed by the mother of the victim. The victim was aged 17 years at the time of the alleged incident. The offences alleged are under Sections 137(2), 64(1), 64(2)(m), 351(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12 and 18 of the Protection of Children from Sexual Offences Act, 2012.

4. Learned counsel appearing for the petitioner would refer to the contents of the complaint and would submit that, on reading of the complaint, it appears that the act alleged appears to be consensual. Though the alleged consent on the part of the victim is not consent in the eye of law, if it is urged that this can be taken as one of the mitigating factors to grant the bail given the fact that the victim was aged 17 years at the time of alleged incident.

5. Learned counsel would also urge that the two of the accused are on bail and though the allegations against those two accused are not similar to the allegations made against the petitioner, it can be taken as one of the factors to grant bail by taking into consideration overall allegations made in the complaint.

6. It is also urged that the investigation is over and the charge sheet is filed. Petitioner is only aged 19 years or was aged 19 years at the time of alleged incident and taking into account the said factor, the petitioner be released on bail by imposing suitable conditions.

7. Learned HCGP would oppose the petition on the premise that, the victim is carrying and the DNA report is filed and all the accused named in the complaint have committed heinous offence against the victim, as such, the petitioner is not entitled to be released on bail.

8. Learned counsel for the petitioner by way of reply would submit that, the DNA report produced along with charge sheet does not point to the guilt of the petitioner, whereas the said report indicates that some other person is responsible.

9. The Court has considered the contentions raised at the bar and perused the records.

10. Admittedly, two persons are released on bail and the Court has perused those two orders. As far as those two persons are concerned, there are no allegations of rape. However, what can be noticed from the said order is that, those two persons in whose favour the bail is granted were said to be along with the present petitioner at the time of the alleged incident.

11. It is also noticed from the contents of the complaint that, the victim allegedly went along with the petitioner to quite a few places and though it is stated that the alleged sexual intercourse has taken place despite her protest, what can be noticed is the victim allegedly went along with the petitioner to two different places on two different occasions on a phone call made by the petitioner.

12. It is also noticed that, the charge sheet is already filed and the petitioner is in custody since 24.10.2025 and the custodial interrogation is not required. The medical evidence is already collected and said evidence does not indicate anything against the petitioner. Hence, the following:

ORDER

Petition is ***allowed*** subject to the following conditions:

i. Petitioner shall be enlarged on bail in Crime No.183/2025 on executing a personal bond for Rs.2,00,000/- with two sureties for the likesum to the satisfaction of the Trial Court.

ii. Petitioner shall punctually attend the Trial Court on each and every posting unless expressly exempted.

iii. Petitioner shall cooperate with the Trial.

iv. Petitioner shall not threaten, induce, or promise anyone acquainted with the facts, nor tamper with evidence or witnesses.

v. Petitioner shall furnish current address, active mobile number, to the jurisdictional police and intimate any changes within 48 hours.

vi. Petitioner shall not leave the jurisdiction of the police station without prior information and intimation to the jurisdictional police.

vii. Petitioner shall not commit any offences.

Observations made in this order cannot influence the final verdict.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CLK
CT: UMD
List No.: 1 Sl No.: 26