HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 5872 OF 2026

BETWEEN:

1. DEEPU
   S/O SHANTARAJ
   AGED ABOUT 23 YEARS
   RESIDING AT NO. 15/3
   OLD NO. 123, 3RD CROSS
   GANESH TEMPLE RAOD
   BHUVANESHWARI NAGAR
   BENGALURU CITY - 560 023

   (PETITIONER IS IN J.C.
   SINCE FROM 19.06.2025)

   ... PETITIONER

(BY SRI. MAHENDRA PAL, ADVOCATE FOR
SRI UMESH BN.,ADVOCATE)

Digitally signed by VIJAYA P
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA BY
   KEMPAPURA AGRAHARA POLICE STATION
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU - 560 001

2. SMT GOWRI
   AGED ABOUT 38 YEARS

C/O KUMAR
R/AT NO. 13
3RD MAIN ROAD
KEMPAPURA AGARAHARA
BHUVANESHWARI NAGAR
BENGALURU CITY - 560 023

… RESPONDENTS

(BY SRI. RANGASWAMY R., HCGP FOR R1;
SRI ASHWIN PRABHU, ADVOCATE FOR
SRI ANGAD KAMATH, ADVOCATE FOR R2)

THIS CRL.P FILED U/S 483 BNSS, 2023, PRAYING TO ENLARGE HIM ON BAIL IN SPL.C.NO.1621/2025 ARISING OUT OF CR.NO.79/2025 REGISTERED BY THE RESPONDENT NO.1 IN K.P.AGRAHARA POLICE, FOR THE OFFENCES P/U/S 65(1), 64(m)(2), 70(2), 351(2), 3(5) OF BNS, 2023, U/S 4(2), 5(J)(ii), 5(1), 6 OF POCSO ACT, 2012, PENDING BEFORE THE ADDL. CITY CIVIL AND SESSIONS JUDGE, FTSC-V, AT BENGALURU.

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.3 in Spl.C.No.1621/2025 pending before the Court of Additional City Civil and Sessions Judge-FTSC-V, Bangalore, arising out of Crime No.79/2025 registered by the Kempapura Agrahara Police Station, Bangalore, for the offences punishable under Sections 65(1), 64(2)(m), 70(2), 351(2) read with Section 3(5) of the Bharatiya

Nyaya Sanhitha, 2023 (hereinafter referred to as 'BNS, 2023' for short) and Sections 4(2), 5(J)(ii), 5(l), 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as 'POCSO Act'), is before this Court in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.79/2025 was registered by the Kempapura Agrahara Police Station, Bangalore, for the aforesaid offences against Punith and another, based on the first information dated 22.05.2025 received from respondent No. 2 who is the mother of the victim girl. During the course of investigation, petitioner herein was arrested on 19.06.2025 and remanded to judicial custody. In the charge sheet which is filed subsequently, petitioner is arraigned as accused No. 3. His bail application filed

before the trial Court in Crl.Misc.No.2503/2026 was rejected on 28.03.2026. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that petitioner who is aged 23 years has no criminal antecedents. Accused Nos. 1 and 2 have been granted regular bail by the Sessions Court. The DNA test report does not support the allegations found against the petitioner and accused No. 2, who has been granted bail is found to be the biological father of the foetus. He accordingly prays to allow the petition.

5. Per contra, learned HCGP appearing on behalf of respondent No. 1 and learned counsel appearing on behalf of respondent No. 2 have opposed the petition. However, they have not disputed the submissions made by the learned counsel for the petitioner.

6. FIR in the present case was registered against one Punith and another. Petitioner's name is not found in the FIR. During the course of investigation, petitioner and

other accused persons were arrested and in the charge sheet which is filed subsequently, allegation of sexually assaulting the victim girl is found against accused Nos. 1 to 3 and also against a juvenile.

7. Learned counsel appearing on behalf of the petitioner has submitted that the DNA test report of the foetus of the victim girl, whose pregnancy was terminated pursuant to the order passed by the Co-ordinate Bench of this Court in W.P.No. 15395/2025 would go to show that accused No. 2 is the biological father. Undisputedly, accused Nos. 1 and 2 have been granted regular bail in the present case by the trial Court. Petitioner who is aged 23 years is in custody for the last more than 1 year and he has no other criminal antecedents. The victim girl has been now examined before the trial Court as P.W.2 and her deposition would go to show that she has been treated as hostile witness and cross-examined by the Public Prosecutor.

8. 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

The petition is allowed. The petitioner is directed to be enlarged on bail in Spl.C.No.1621/2025 pending before the Court of Additional City Civil and Sessions Judge-FTSC-V, Bangalore, arising out of Crime No.79/2025 registered by the Kempapura Agrahara Police Station, Bangalore, for the offences punishable under Sections 65(1), 64(2)(m), 70(2), 351(2) read with Section 3(5) of the BNS, 2023 and Sections 4(2), 5(J)(ii), 5(l), 6 of the POCSO Act, 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 likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the date 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 of.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

VP