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.101111 OF 2026

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

BETWEEN:

BASAVARAJ S/O. IRAPPA ILAGER,
AGE. 60 YEARS, OCC. AGRICULTURE AND BUSINESS,
R/O. MUDDINAKOPPA VILLAGE, TQ. RATTIHALLI,
DIST. HAVERI-581116.

...PETITIONER

(BY SRI. SHASHANK HEGDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REP. BY STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   DHARWAD BENCH, DHARWAD,
   PSI HANSABHAVI POLICE STATION,
   HIREKERUR-581109.

2. MANJAVVA S/O. SIDDAPPA CHAKRASALI,
   (VICTIM MOTHER C.W.1)
   AGE. 33 YEARS, OCC. HOUSEWIFE,
   R/O. MUDDINAKOPPA TANDA,
   TQ. HIREKERUR, DIST. HAVERI-581116.

...RESPONDENTS

(BY SRI. DAYANAND SANGARESHI, HCGP FOR R1,
SRI. SHIVASAI M.PATIL, ADVOCATE FOR R2)

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

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BNSS (UNDER SECTION 439 OF CR.P.C.), PRAYING TO ORDER RELEASE OF THE PETITIONER/ACCUSED NO.1 ON BAIL IN SPECIAL S.C. NO.36/2026 (CRIME NO.06/2026 HANSABHAVI POLICE STATION) PENDING ON THE FILE OF ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I, HAVERI FOR THE OFFENCE PUNISHABLE UNDER SECTION 376(3) OF IPC, UNDER SECTION 352 , 351, (3) OF BNSS, 2023 AND UNDER SECTION 6, 8, 12, 21 OF POCSO ACT, 2012, AND ALLOW THIS BAIL PETITION AND ETC.

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 respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed seeking regular bail in connection with Special Case No.36/2026 pending before Sessions Judge, Haveri in Crime No.6/2026 for the offences alleged are under Sections 64(1), 351(3), 352 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Sections 6, 8, 12 and 21 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel appearing for the petitioner would submit that, the complaint is filed by the mother of the victim. It is stated that, the victim was aged 14 years and 1 month as on the date of the complaint. The complainant has stated that, the accused has induced her daughter and used to inappropriately touch her private part and also made her to have oral sex with him despite knowing that she is minor and

despite her protest. It is stated that, the complainant made an inquiry on 07.01.2026 as to why her daughter is not attending the school, she allegedly replied stating that the petitioner has threatened her not to tell the incident to anyone. In this background, the complaint is filed. The police have filed charge sheet after investigating the matter.

4. Admittedly, there are no eye witnesses to the incident. The victim's statement is recorded by the Magistrate. In her statement, the victim has stated that when she was in the 3rd standard, the petitioner had oral sex with the victim.

5. It is relevant to notice that, the complainant in her complaint has stated that the alleged incident has taken place again and again, but she has not disclosed as to when the alleged act is committed. If the victim's statement is to be accepted, then there is a delay of around 6 years in lodging the complaint. The delay in such cases may not be the relevant factor to deny the bail in all circumstances. However, it can be one of the circumstances to grant the bail depending upon the materials placed before the Court in the form of the charge sheet.

6. On considering the contents of the charge sheet, it is noticed that there are no eye witnesses to the alleged incident. The petitioner is not accused of any other offence earlier and is not convicted of any offence earlier.

7. Though the respondents would urge that the alleged act attracts imprisonment for life and the victim was minor at the time of alleged incident, what is required to be noticed is the petitioner is in custody since 19.01.2026 and the charge sheet is already filed, further custodial interrogation is not required in this case.

8. Taking into consideration all the factors, the Court is of the view that the petitioner can be enlarged on bail with stringent conditions. Hence, the following:

ORDER

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

i. Petitioner shall be enlarged on bail in Crime No.6/2026 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 in this order shall not influence the final verdict.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CLK
CT: UMD
List No.: 1 Sl No.: 23