



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.G.S. KAMAL**

**CRIMINAL PETITION NO. 5291 OF 2026 (439(Cr.PC)**

**/ 483(BNSS)**

**BETWEEN:**

SUNIL A  
S/O ARUN  
AGED ABOUT 21 YEARS  
PRESENTLY R/AT  
8<sup>TH</sup> CROSS, ROJIPURA  
DODDABALLAPURA TOWN  
BENGALURU DISTRICT -561 203.

PERMANENTLY R/AT  
HADAGILA HARUTI VILLAGE  
JEVARAGI TALUK,  
KALABURAGI - 585 310  
KARNATAKA.



...PETITIONER

(BY SRI. GIRISH R.,ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY BENGALURU DISTRICT  
WOMEN PS  
BENGALURU  
NOW REPRESENTED BY  
STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BENGALURU - 560 001.



2. LOKESH  
S/O LATE SUBBANNA  
AGED ABOUT 52 YEARS  
R/AT BAIRASANDRAPALYA VILLAGE  
DODDABALLAPURA TALUK  
BENGALURU DISTRICT -561 203.

...RESPONDENTS

(HCGP FOR R1;  
R2 SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO GRANTING BAIL THEREBY DIRECTING RESPONDENT BENGALURU DISTRICT WOMEN PS TO RELEASE THE PETITIONER IN CR.NO.308/2025 ON SPL C NO 377/2026 PENDING ON THE FILE OF THE HONBLE ADDL DISTRICT AND SESSIONS JUDGE, FTSC-I BENGALURU RURAL DISTRICT AT BENGALURU FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTION 137(2) OF THE BHARATIYA NYAYA SANITA, 2023 AND SECTIONS 4(1), 5(L) AND 6 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

### **ORAL ORDER**

1. This petition is filed by the accused-petitioner in Crime No.308/2025 of Bengaluru District Women Police Station, for the offence under Section 137(2) of the BNSS, 2023 and 4(1), 5(l) and 6 of the POCSO Act, being aggrieved by the order dated 26.03.2026 passed in Crl. Misc.No.544/2026 on the file



of the Additional District and Sessions Judge, FTSC-I, Bengaluru Rural District, Bengaluru, by which the petition filed by the appellants herein under Section 483 of BNSS has been rejected.

2. The complaint dated 28.12.2025, came to filed by respondent No.2-defacto complainant father of the victim alleging that victim was aged 17 years had gone out of the house on 27.12.2025 and had not returned despite searches made at the known and the relatives places. Accordingly, complaint came to be registered. Thereafter, victim had called respondent No.2-defacto complainant. Based on the information, the petitioner was arrested.

3. The victim thereafter has given a statement that on the said date she went along with the accused and stated that she was friends with the accused and she had gone to Bengaluru and stayed with him near a theatre at Gollarahatti, spent night with him and had sexual intercourse with him. On the following day, when she returned to her home and the father of the victim-respondent No.2-defacto complainant had given a complaint, she went to the police station along with respondent No.2 and accordingly accused was arrested.



4. Learned counsel for the accused-petitioner submits that there is no forcible act of any nature, whatsoever and accused and victim were in love and had gone out voluntarily. He submits that though the victim is stated to be 17 years of age, the act was one of consensual. He also refers to the medical evidence, where the report is still awaited.

5. Heard and perused the records.

6. Though the prosecution has produced the document in the nature of birth certificate of the victim, which shows the date of birth of the victim to be 29.11.2009, indicating her age to be over 17 years as on the date of the alleged offence. Since the charge sheet is already filed and there is no allegation of accused forcibly committing the assault. There appears to be no requirement of any custodial integration of the accused-petitioner, the medical report do not indicate any forcible assault. Matter requires consideration during the trial, therefore this Court deems it appropriate to grant bail as sought for.

7. Accordingly, following;



**ORDER**

(i) Criminal Petition filed under Section 483 of BNS, 2023 is ***allowed***.

(ii) The accused/petitioner is directed to be enlarged on bail in Crime No.308/2025, registered before the Bengaluru Women Police Station, for the offences punishable under Sections 137(2) of the BNS, 2023 and 4(1), 5(I) and 6 of the POCSO Act, subject to the following conditions:

- a) the accused/petitioner shall execute personal bond for a sum of Rs.1,00,000/- with one local surety for the likesum, to the satisfaction of the jurisdictional Court;
- b) The accused/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 accused/petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;



d) The accused/petitioner shall not involve in similar offences in future;

e) The accused/petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Communicate copy of this order to the trial Court and concerned prison authorities forthwith.

**Sd/-  
(M.G.S. KAMAL)  
JUDGE**