



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 7001 OF 2025

BETWEEN:

SRI. SRINIVASA N.
S/O LATE NARAYANAPPA,
AGED ABOUT 24 YEARS,
R/A WARD NO. 22,
KELAGINA TOTAGALU,
CHIKKABALLAPURA TOWN,
CHIKKABALLAPUR DISTRICT - 562 101.

...PETITIONER

(BY SRI. DEVENDRA N., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SIDLAGHATTA TOWN POLICE STATION,
SIDLAGHATTA, CHIKKABALLAPUR.
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. SMT. RATHNAMMA
W/O SRINIVASA,
AGED ABOUT 35 YEARS,
R/A WARD NO. 15, MARUTHI NAGAR,
SIDLAGHATTA TOWN, SIDLAGHATTA TALUK,
CHIKKABALLAPUR DISTRICT - 562 101.

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1
SRI. RAVINDRA P., ADVOCATE FOR R2)





THIS CRL.P IS 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 HIM ON BAIL IN CRIME NO.156/2024 FOR THE O/P/U/S 376(2)(N), 376(3) OF IPC AND SECTION 4(2), 5(I), 5(N) 5(J) (II) AND 6 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCE ACT, 2012 LATER REGISTERED AS SPL.SC NO.25/2025 REGISTERED BY SIDLAGHATTA TOWN POLICE STATION, SIDLAGHATTA, CHIKKABALLAPURA DISTRICT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has prayed that he be released on bail in Spl.S.C.(POCSO) No.25/2025 pending trial before the Additional District and Sessions Judge, FTSC - 1, Chikkaballapur, for the offences punishable under Sections 376(2)(n), 376(3) of IPC and Sections 4(2), 5(I), 5(n), 5(J)(II) and 6 of POCSO Act, 2012.



2. The daughter of the respondent No.2 recorded a statement on 14.12.2024 before the woman PSI that her cousin had forcible sexual intercourse with her on 10.04.2011 and thereafter also he continued to do so. She claimed that on 13.12.2024 she experienced pain in the stomach and when she informed her mother, she was taken to Chikkaballapura Abhaya Hospital, where a pregnancy test was done, which turned positive. Based on the statement so recorded, a case in Crime No.156/2024 was registered for the aforesaid offences. After investigation, a charge sheet was filed for the offences punishable under Sections 376(2)(n), 376(3) of IPC and Sections 4(2), 5(l), 5(n), 5(J)(II) and 6 of POCSO Act, 2012.

3. An application was filed before the Special Court in Spl.S.C.(POCSO) No.25/2025 by the petitioner for release on bail, which was rejected in terms of the order dated 27.03.2025. The petitioner is therefore before this Court seeking bail.



4. Learned counsel for the petitioner submitted that this Court in terms of an order dated 08.04.2026 called upon the learned High Court Government Pleader to furnish the report of the DNA test. He contends that the report of the DNA test discloses that the petitioner is not the biological father of the victim's child. Therefore, he submits that the prosecution has not been able to establish the offences punishable under Sections 376(2)(n), 376(3) of IPC. As regards, the offences punishable under Sections 4(2), 5(l), 5(n), 5(J)(II) and 6 of POCSO Act, 2012, he contends that the petitioner is the cousin of the victim girl and that the provisions of POCSO Act are invoked to settle personal scores between the family of the petitioner and the family of the victim girl. He therefore submits that the petitioner is entitled to be released on bail in view of the fact that the DNA test report does not implicate the petitioner.

5. Per contra, the learned High Court Government Pleader submitted that the petitioner is not only accused



of offences punishable under the IPC but also under POCSO Act. She therefore submits that the offences alleged against the petitioner are grave and hence, the petitioner is not entitled to be released on bail.

6. I have considered submissions made by learned counsel for the petitioner and the learned High Court Government Pleader for the respondent.

7. The charge sheet filed against the petitioner is for offences punishable under Sections 376(2)(n), 376(3) of IPC apart from offences under the POCSO Act. The DNA profile report conducted by the Investigating Agency discloses that the DNA profile of the baby delivered by the victim girl does not match with the DNA profile of the petitioner. Therefore, it is difficult to believe at this stage that the offence under Sections 376(2)(n), 376(3) of IPC was made out. As regards other offences punishable under POCSO Act, the same needs to be established in trial. The petitioner is already in custody and proceedings are already underway before the trial Court and therefore no



useful purpose will be served in continuing the custody of the petitioner.

8. In that view of the matter, the criminal petition is **allowed**. The petitioner is ordered to be released on bail in Spl.S.C.(POCSO) No.25/2025 arising out of Crime No.156/2024, registered by Sidlaghatta Town Police Station, Sidlaghatta, Chikkaballapur for the offences punishable under Sections 376(2)(n), 376(3) of IPC and Sections 4(2), 5(I), 5(n), 5(J)(II) and 6 of POCSO Act, 2012, pending before the Additional District and Sessions Judge, FTSC-1, Chikkaballapur, subject to the following conditions:

- i. The petitioner shall execute a personal bond for Rs.2,00,000/- with a solvent surety for the likesum and to the satisfaction of the Trial Court.
- ii. He shall appear before the Court on all dates of hearing unless exempted by the Court.



- iii. He shall not commit any offence similar to the offence of which he is accused or suspected of commission of which he is suspected. He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.
- iv. In the event of violation of any of the above conditions, it is open for the Investigating Officer / prosecution to seek for cancellation of the bail in which event the appropriate Court shall deal with the said application in accordance with law.

Sd/-
(R. NATARAJ)
JUDGE

RCK
List No.: 1 Sl No.: 41