HC-KAR

NC: 2026:KHC-D:7762
CRL.P No. 100340 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.100340 OF 2026

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

BETWEEN:

SHRI. AKASH S/O. PARASHURAM
MANTANGI (MASNTAGI),
AGE. 21 YEARS, OCC. STUDENT,
R/O. NAVANAGAR, TQ. HANGAL,
DIST. HAVERI-581104.

...PETITIONER

(BY SRI. VIDYASHANKAR G.DALWAI, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-580011,
THROUGH HANAGAL POLICE STATION,
HANAGAL CIRCLE, HAVERI-581104.

2. SMT. PUSHPA NAGARAJ CHOUTI,
AGE. 35 YEARS, OCC. HOUSEWIFE,
R/O. MUDURU VILLAGE, TQ. HANAGAL,
DIST. HAVERI-591104.

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, 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 483 OF BNSS (UNDER SECTION 439 OF CR.P.C.), PRAYING TO ALLOW THE PETITION FILED UNDER SECTION 483 OF B.N.S.S. AND ENLARGE THE PETITIONER (ACCUSED NO.3) ON REGULAR BAIL IN SPL. S.C. NO.125/2025 (CRIME NO.183/2025 OF HANAGAL PS) BEFORE THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC-1 AT HAVERI FOR OFFENCES PUNISHABLE UNDER SECTION 351 (1) AND 62 R/W SECTION 3 (5) BNS AND UNDER SECTION 12, 18, 8, 17 OF POCSO ACT, 2012 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 for the petitioner and the learned High Court Government Pleader for respondent No.1.

2. This petition is filed seeking regular bail by accused No.3 in connection with Special S.C.No.125/2025 registered pursuant to Crime No.183/2025. The Special Case is pending before the Sessions Judge at Havari and crime is registered before the Hangal Police.

3. The offences alleged against the petitioner are under Sections 137(2), 62, 64(1), 351(1) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8, 12 and 18 of the Protection of Children from Sexual Offences Act, 2012.

4. Learned counsel for the petitioner would submit that the petitioner/accused No.3 is in custody since 22.10.2025. It is submitted that the accused No.1, the person

against whom the allegation of rape is made is on bail and he was juvenile. Said accused is being tried under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. Learned counsel for the petitioner would also submit that, there is no allegation of rape against the present petitioner and the allegation is that he made an attempt to have sex with the victim and victim pierced his eyes and thereafter, he left the scene. It is also contended that maximum punishment for the offence alleged against the petitioner is only 5 years' imprisonment.

6. Learned counsel would also submit that the custodial interrogation is not required as the investigation is already over and the charge sheet is filed.

7. In addition to above said grounds, it is also urged that there are no past criminal antecedents against the petitioner/accused No.3 and he was not convicted for any offence earlier.

8. Learned High Court Government Pleader (HCGP) would oppose the petition on the premise that all the accused along with the main accused took the victim to a particular place with a common intention of having sex, as such, the sexual act committed by the accused No.1 is also attributable to the present petitioner. Thus, would urge that the petition has to be dismissed.

9. The Court has considered the contentions raised at the bar and perused the records. The Court has also perused the statement made by the victim under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the said statement, the victim has not alleged any act of sexual intercourse against the petitioner. It is stated that he made an attempt to have sex with the victim. However, as she pierced his eye, which was already wounded, he left the scene.

11. It is also noticed that the charge sheet is already filed and custodial interrogation may not be required and it is not the case of the respondent/State that the petitioner has criminal antecedent.

12. Considering the nature of allegations made and also considering the fact that the petitioner has spent 8 months in custody, the bail is granted on the following conditions.

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

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

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

vi. Petitioner shall not commit any offences.

It is made clear that observations made in this order should not be considered as reflection on the merits of the case of either of the parties.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CLK
CT: UMD
List No.: 1 Sl No.: 14