

Sri. Prakash vs State by

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Court : Karnataka

Decided On : Nov-13-2025

Judge : Shivashankar Amarannavar

Appeal No. : CRL.P/14114/2025

Appellant : Sri. Prakash

Respondent : State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2025 BEFORE THE
HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR CRIMINAL
PETITION NO. 14114 OF 2025 [(439(Cr.PC) / 483(BNSS))] BETWEEN:

1. SRI. PRAKASH S/O SRI NAGARAJAPPA, AGED ABOUT 25 YEARS,
OCCUPATION: AGRICULTURIST, RESIDENT OF TUMARI-HOSURU
VILLAGE, SHIKARIPURA TALUK, SHIVAMOGGA DISTRICT - 577 427.
PETITIONER (BY SRI. H. MANJUNATH, ADVOCATE) AND:

1. STATE BY Digitally signed by

COURT OF KARNATAKA DULY REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, BENGALURU - 560 001.

2. XXXX BEING MINOR REPRESENTED BY HER NATURAL GUARDIAN FATHER SRI SHANTHAPPA BHOVI, S/O SRI HANUMANTHAPPA, AGED ABOUT 38 YEARS, -2-

RESIDENT OF TUMARI HOSURU VILLAGE, SHIKARIPURA TALUK, SHIVAMOGGA DISTRICT - 577 427 RESPONDENTS (BY SMT. PUSHPALATHA B., ADDITIONAL SPP FOR R1; SRI. VINAYAK KULKARNI, ADVOCATE FOR R2) THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED

UNDER SECTION 483 BNSS) PRAYING TO ENLARGE HIM ON REGULAR BAIL IN THE ABOVE PETITION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 87, 137(2), 64(2)(f)(m) AND 65(1) OF BNS, 2023 AND SECTION 6 OF POCSO ACT, 2012 IN CRIME NO.174/2025, SHIKARIPURA RURAL POLICE STATION AND SPECIAL CASE NO.233/2025 ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC-1 AT SHIVAMOGGA.

THIS PETITION COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.1 under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023 praying to grant bail in Special Case No.233/2025, (arising out of Crime No.174/2025 of Shikaripura Town Police Station) registered for offences punishable under Sections 87, -3- 137(2), 64(2)(f)(m) and 65(1) of Bharatiya Nyaya Sanhita, 2023, pending on the file of Additional District and

Sessions Judge, FTSC-I, Shivamogga.

2. Heard the learned counsel for petitioner, learned Additional State Public Prosecutor for respondent No.1 - State and learned counsel for respondent No.2.

3. Learned counsel for petitioner would contend

that, there was a dispute between the petitioner and father of the victim girl with regard to repayment of money lent by the petitioner to the father of the victim girl. The victim girl has not stated any alleged act of sexual intercourse in her statement recorded under Section 183 of BNSS. The doctor who examined the victim girl has stated that, there is no allegation of recent sexual intercourse. As the charge sheet is filed, the petitioner is not required for custodial interrogation. With these, he prayed to allow the petition. -4-

4. Learned Additional State Public Prosecutor for

respondent No.1 would contend that, the victim girl is aged sixteen (16) years and her statement is recorded under Section 183 of BNSS. The charge materials show that, there is a prima-facie case against the petitioner for offences alleged against him. With these, she prayed for dismissal of the petition.

5. Learned counsel for respondent No.2 submits that, respondent No.2 has no objection for grant of bail to the petitioner.

6. Having heard the learned counsels appearing for parties, the Court has perused the charge sheet and other materials placed on record.

7. The case of the prosecution is that, the

petitioner has enticed the victim girl and took her to a Rangamandira in Udupi District and had forcible sexual intercourse on her. The accused sent a mobile phone through accused No.3 who handed it over to the victim -5- girl. C.W.4, who witnessed the same, stated that he would inform the victim's father. Whereupon, out of fear, the victim girl consumed sapat lotion but later recovered. The statement of the victim girl has been recorded under Section 183 of BNSS and in that there is no allegation against this petitioner of having any forcible sexual

intercourse with the victim girl. The doctor who examined the victim girl has stated that, there is no evidence of recent sexual intercourse. As the charge sheet is filed, the petitioner is not required for custodial interrogation. Moreover, learned counsel for petitioner has submitted no objection for grant of bail to the petitioner.

8. Considering all the above aspects, the petitioner has made out a case for grant of bail with conditions. In the result, the following;

ORDER

The Criminal Petition is allowed. The petitioner is granted bail in Special Case No.233/2025, (arising out of Crime No.174/2025 of Shikaripura Town Police Station) -6- pending on the file of Additional District and Sessions Judge, FTSC-I, Shivamogga, subject to following conditions: i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like-sum to the satisfaction of the trial Court. ii) The petitioner shall not tamper the prosecution witnesses either directly or indirectly. iii) The petitioner shall appear before the trial Court on all dates of hearing unless exempted by the Court and cooperate for speedy disposal of the case. Sd/- (SHIVASHANKAR AMARANNAVAR) JUDGE KLV List No.: 1 Sl No.: 10

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