



CNR: KAHC010292262026

NC: 2026:KHC:35754
CRL.A No. 756 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 756 OF 2026 (U/S 14(A) (2))

BETWEEN:

...APPELLANT

(BY SRI. NISHIT KUMAR SHETTY., ADVOCATE)



AND:

1. STATE OF KARNATAKA BY
BIRUR POLICE STATION,
CHIKKAMAGALURU DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE – 560 001.



NC: 2026:KHC:35754
CRL.A No. 756 of 2026

CNR: KAHC010292262026

2. VICTIM

XXX

REPRESENTED BY

M. K. BHAGYA, PRESEDENT,
SARAKARI BLAKIYARA BALAMANDIRA,
CHIKKAMAGALURU – 577 105.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA., HCGP
R2 IS SERVED)

THIS CRL.A IS FILED U/S 14(A)2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 25.03.2026, IN SPL.C.(P).NO.41/2026 (CR.NO.218/2025 OF BIRUR P.S), FOR THE OFFENCE P/U/S 61(2), 49, 54, 96, 143, 144, 127(3) AND 65(1) OF BNS AND SEC.4, 17, 19 OF POCSO ACT 2012 AND SEC.4 TO 6 OF IMMORAL TRAFFIC (PREVENTION) ACT AND SEC.75 OF J.J ACT AND SEC.3(1)(w)(ii) AND 3(2)(va) OF SC/ST (POA) ACT. PASSED BY THE COURT OF THE ADDL. DISTRICT AND SESSIONS JUDGE FTSC-1, AT CHIKKAMAGALURU AND ETC.,

THIS APPEAL, COMING ON FOR CLARIFICATION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant seeking to set aside the order dated 25.03.2026 passed in Spl.C.(P) No.41/2026 on the file of Additional District and Sessions Judge, FTSC-I, Chikkamagaluru for the offences punishable under Sections 54, 49, 61(2), 143, 144, 96, 65(1), 127(3) of Bharatiya Nyaya Sanhita, 2023 (*for short BNS*) and under Section 4, 17, 19 of Protection of Children from Sexual Offences Act, 2012 (*for short POCSO*) and under Section 4, 5, 6 of Immoral Traffic Prevention Act, 1956 (*for short ITP Act*) and under Section 75 of Juvenile Justice Act, 1986 (*for short JJ Act*) and under Section 3(2)(va), 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (*for short SC&ST (POA) Act*).

Factual matrix of the case:

2. The case of the prosecution is that a complaint came to be registered by the victim before the respondent – Police stating that she was the only child to her parents. Her mother died six (06) years ago on account of ill-health.



Therefore, she was staying with her aunt Pavithra at Chitradurga. Thereafter, she has completed her education till I PUC in different schools and college respectively and thereafter she dis-continued her studies as she was not interested to study. In the mean time, she was residing along with her father at Nagahongala. On 18.12.2025, she was asked to accompany her father to go to hospital at Birur. She went along with her father, thereafter, herself and her father stayed in her grandmother's house. During their stay in the said house her aunt Pavithra instigated her grandmother to send them out. Consequently, they were moving to their native place. In the mean time, Narayanswamy who is accused No.4 informed them that they were asked to come back at the instruction of her grand mother. They went back to her grandmother's house on 20.12.2025 and started residing there.

3. On the same day, she was asked to accompany her father to go to Mangaluru along with to stay there for four (04) days. Therefore, she went along with her father and Bharath Shetty. When she reached Mangaluru, she was undergoing her menstrual cycle. She informed the said fact



CNR: KAHC010292262026

to her father and stayed in the house of accused No.1 for three (03) days.

4. On 24.12.2025, she was asked to undergo sexual activities with the men who were coming to the said house. When she refused to do the same, her father asked her to co-operate as stated by accused No.1. Unfortunately, she had to undergo sexual activities with several persons in the said house till 26.12.2025. Again, they came back to Birur and stayed there in her grandmother's house. Thereafter, she narrated the incident to her aunt and uncle . Both of them took her to the Police Station and lodged a complaint.

5. Learned counsel for the appellant submits that the appellant is innocent of the alleged offences and he is the customer of the brothel. He was not aware about the actual age of the victim and also he was not aware that she belonged to Scheduled Caste. Therefore, the appellant may be enlarged on bail by imposing suitable conditions. He would abide by the conditions to be imposed by this Court in the event of his



release on bail. Making such submissions learned counsel for the appellant prays to allow the appeal.

6. *Per Contra*, learned High Court Government Pleader for respondent – State vehemently submitted that the complainant had undergone serious mental trauma as she had been subjected to undergo prostitution. A young woman who has not even completed 18 years had been subjected to penetrative sexual assault with multiple men in the said brothel. The father of the victim who is arrayed as accused No.2 has acted as if he was a pimp to her own daughter which shows moral turpitude. As the appellant being a customer of the brothel knowingly that the victim was minor and belongs to Scheduled Caste has committed this heinous offence. Hence, he is not entitled for any relief as prayed for. Making such submissions learned High Court Government Pleader prays to reject the appeal.

7. Having heard learned counsel for the respective parties and also on perusal of the averments of the charge-sheet it makes clear that the appellant is one of the



CNR: KAHC010292262026

customer of the brothel which was being run by accused No.1. On going through the averments of the said charge-sheet, the submission of the learned counsel for the appellant has to be justified for the reasons that the appellant being a customer of the brothel cannot be possible to know the actual age and caste of the victim. Having considered the said aspect, it is appropriate to grant the relief as prayed for.

8. Hence, I proceed to pass the following:

ORDER

- i. This Criminal Appeal is ***allowed***.
- ii. The appellant is ordered to be enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with one (01) surety to the like sum of the satisfaction of the Trial Court.
- iii. The appellant shall not commit any similar offence till disposal of the present case.
- iv. The appellant shall appear before the Trial Court on all hearing dates, without fail.



**NC: 2026:KHC:35754
CRL.A No. 756 of 2026**

CNR: KAHC010292262026

- v. The appellant shall not threaten the prosecution witnesses.

In case if, the appellant violates any of the bail conditions stated *supra*, liberty is reserved to the prosecution to take appropriate steps for cancellation of the bail.

**Sd/-
(S RACHAIAH)
JUDGE**

NM
List No.: 1 Sl No.: 50