



CNR: KAHC010554162026

NC: 2026:KHC:52674
CRL.P No. 12214 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12214 OF 2026

BETWEEN:

MURALI
S/O GANGADHAR,
AGED ABOUT 22 YEARS,
R/O TURUKACHANAHALLI,
TALUKA SIDLAGHATTA,
DISTRICT CHIKKABALLAPURA 562 105

...PETITIONER

(BY SRI TIGADI VEERANNA GADIGEPPA, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP BY SUB INSPECTOR OF POLICE,
WOMEN POLICE STATION, KOLAR,
DISTRICT KOLAR,
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU 560 001

2. XXX

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HACGP FOR R-1;
SERVICE HELD SUFFICIENT TO R-2 VIDE
ORDER DATED 23.09.2026)



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THIS CRL.P IS FILED U/S 482 OF BNSS, 2023 PRAYING GRAN ANTICIPATORY BAIL TO THE PETITIONER IN EVENT OF HIS ARREST IN KOLAR WOMEN POLICE STATION CRIME NO.04/2026 (SPECIAL CASE (POCSO) NO.35/2026) FOR THE OFFENCES P/U/S 137(2), 351(2), 64(2), 249 R/W 3(5) OF BNS, 2023 AND SEC.6 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 PENDING ON THE FILE OF THE LEARNED ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC-1 (POCSO), KOLAR.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in Special Case (POCSO) No.35/2026 pending before the Court of the Additional District and Sessions Judge, FTSC-1 (POCSO), Kolar arising out of Crime No.04/2026 registered by Kolar Women Police Station, Kolar for the offences punishable under Sections 137(2), 351(2), 64(2), 249 of BNS, 2023 and Section 6 of POCSO Act, 2012, is before this Court in this petition filed under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing on



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behalf of respondent No.1-State. Respondent No.2, though served in the matter, has remained unrepresented before this Court.

3. FIR in Crime No.04/2026 was registered by Kolar Women Police Station, Kolar, for the offence punishable under Section 137(2) of BNS, 2023 against unknown persons, based on the first information dated 22.01.2026 received from respondent No.2-Manjula, who is the mother of the victim girl, aged 17 years 4 months as on the date of registration of the FIR. Apprehending arrest in the said case, the petitioner had filed CrI.Misc.No.411/2026 before the jurisdictional Sessions Court, which was rejected as against him on 01.07.2026. Therefore, he is before this Court.

4. A reading of the first information would reveal that the alleged victim was pursuing her II PUC education and on 21.01.2026, she had gone out of her house but had not returned. Efforts made to trace her had failed and therefore, on the next day, her mother had approached



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the police and FIR was registered against unknown person for the offence punishable under Section 137(2) of BNS, 2023.

5. In the said case, the petitioner had surrendered before the jurisdictional Court of Magistrate and was enlarged on bail under Section 478 of BNSS, 2023, vide order dated 27.02.2026. The statement of the victim girl under Section 183 of BNSS, 2023, was thereafter recorded in the present case by the jurisdictional Magistrate on 29.01.2026. In the said statement, the victim girl has stated that, since she was using her mobile phone excessively, she was scolded in her house and therefore, at about 01.00 a.m. on 21.01.2026, she had left her house and walked to Kolar. Thereafter, from Kolar she had travelled to Chintamani by bus and subsequently to Murugamalla, where she had stayed in a Darga for about three days. The police, who came there brought her back to her village. She has not made any allegation as against



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the petitioner which would attract any one of the charge sheet offences in the present case.

6. It appears that, after the statement of the victim girl was recorded on 29.01.2026, the Investigating Officer has recorded the further statement of the victim girl on 12.02.2026, wherein she has allegedly made allegations against the petitioner of committing sexual assault on her. Thereafter, the charge sheet was filed for the aforesaid offences against the petitioner and his relatives.

7. When the victim girl was produced before the jurisdictional Magistrate, she has not made any allegation against the petitioner in her statement recorded under Section 183 of BNSS, 2023, on 29.01.2026, which would attract any one of the offences for which charge sheet is filed. Surprisingly, the Investigating Officer has recorded the further statement after recording of her statement under Section 183 of BNSS, 2023 before the jurisdictional



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Magistrate and based on the same, charge sheet is now filed against the petitioner and his relatives for the aforesaid offences.

8. Even if the Investigating Officer had to record the further statement of the victim girl, after her statement was recorded under Section 183 of BNSS, 2023 before the jurisdictional Magistrate, he ought to have produced the victim girl before the jurisdictional Magistrate for recording her further statement and he could not have proceeded to independently record her further statement. The very sanctity of recording the statement under Section 183 BNSS, 2023, by the jurisdictional Magistrate has been frustrated in the present case by the Investigating Officer and this practice cannot be appreciated.

9. Considering the nature of the allegations found in the first information as well as the statement of the victim girl recorded under Section 183 of BNSS, 2023, before the jurisdictional Magistrate, I am of the opinion



that the prayer made by the petitioner for grant of anticipatory bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, the following:

ORDER

i) The criminal petition is ***allowed***.

ii) The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Special Case (POCSO) No.35/2026 pending before the Court of Additional District and Sessions Judge, FTSC-1 (POCSO), Kolar arising out of Crime No.04/2026 registered by Kolar Women Police Station, Kolar for the offences punishable under Sections 137(2), 351(2), 64(2), 249 of BNS, 2023 and Section 6 of POCSO Act, 2012, subject to the following conditions:

a) The petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order



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and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

- b) The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.
- c) The petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.
- d) Petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 48