

(2026) 01 KAR CK 0368

In the Karnataka High Court, Principal Bench

Case No : Criminal Appeal No. 2484 Of 2025 (U/S 14(A) (2))

Basavaraju

APPELLANT

Vs

State By Koratagere Police Station & Ors

RESPONDENT

Date of Decision : 13-01-2026

Acts Referred:

Bharatiya Nyaya Samhita, 2023 — Section 64(2), 137(2), 249
Prevention Of Corruption Act, 1988 — Section 6
Child Marriage Restraint Act, 2006 — Section 9
Scheduled Castes And the Scheduled Tribes. (Prevention Of Atrocities) Amendment Act, 2015 — Section 3(1)(w)(ii), 3(2)(va)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 183, 483

Citation : (2026) 01 KAR CK 0368

Hon'ble Judges : G Basavaraja, J

Bench : Single Bench

Advocate : Harish Gowda. K.M, B. Lakshman

Final Decision : Allowed

Judgement

G Basavaraja, J

1. The appellant has preferred this appeal against the order passed by the Addl. District and Sessions Judge (FTSC-1), Tumakuru in Cri.Mis.No.1517/2025 dated 10th day of November, 2025.

2. Brief facts leading to this appeal are that on the basis of the complaint filed by Anand aged 40 years, Koratagere Police have registered the case in Crime No.220/2025 against this accused for the commission of offence under Section 137(2) of Bharatiya Nyaya Sanhita, 2023. After investigation, the I.O has submitted the charge sheet against the accused for the offence under Section 137(2), 64(2) and 249 of BNS, 2023 and Section 6 of POCSO Act, 2012 and Section 9 of the Child Marriage Restraint Act, 2006 and the offence under Section 3(1)(w)(ii), 3(2)(va) of SC and ST (POA) Act, 2015.

3. Since the charge sheet is already filed, the accused is not required for further

investigation. The Trial Court has observed in Para 12 of the impugned order that in the statement recorded under Section 183 of BNSS, 2023, the victim has categorically stated that she got acquainted with the petitioner. The petitioner expressed his love towards her and they used to talk each other over phone.

4. The age of the victim is 17 years 1 month 9 days as on the date of commission of offence and the victim has studied up to SSLC. The I.O has produced the school certificate and birth certificate of the victim, but he has not produced the ossification certificate.

5. Considering the age of the victim and statement of the victim under Section 183 of BNSS, 2023, and also keeping in the mind the recent decision of the Hon'ble Apex Court in Special Leave Petition (Criminal) No.10656/2025 decided on 09.01.2026 rendered in The State of Uttar Pradesh Vs. Anurudh and another and SLP (Criminal) No.7576/2025 decided on 17.07.2025 rendered in Anash Vs. State of NCT of Delhi and Another, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

Appeal is allowed. The impugned order passed by the Addl. District and Sessions Judge (FTSC-1), Tumakuru in CrI.Mis.No.1517/2025 dated 10th November, 2025, is set-aside. Consequently, the application filed under Section 483 of BNSS, 2023, is allowed on following conditions:

- (i) The appellant/ accused shall be released on bail on execution of self bond of Rs.1,00,000/- with one surety for likesum to the satisfaction of the trial Court;
- (ii) The appellant shall not tamper and threaten the prosecution witnesses in any manner;
- (iii) The appellant shall co-operate for trial and he shall appear before the trial Court on all the dates of hearing;
- (iv) The Registry is directed to send the copy of the order to the Trial Court.