



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1493 OF 2025 (U/S 14(A) (2))

BETWEEN:

SRI SYED PARVEEZ MUSHRAFF

S/O SYED ZIAYULLA

AGED ABOUT 24 YEARS

R/AT NO. 2659, NEAR FATHE MASJID

MUJAWAR MOHALLA, MLBAGAL

KOLAR, KARNATAKA – 563 131

...APPELLANT

(BY SRI. NAUSHAD PASHA., ADVOCATE)

AND:

1. STATE OF KARNATAKA

BY MAHADEVAPURA P.S.

BANGALORE - 560048

REPRESENTED BY SPP

HIGH COURT OF KARNATAKA

HIGH COURT BUILDING

BANGALORE – 560 001

2. KUMARI MONIKA KUMARI

D/O KISHOR MURMUR

AGED ABOUT 19 YEARS





R/A GORAGAMMA GRAMA
DAANAKUDIYA POST,
BELAHAR THANA
BAKA DISTRICT, BANKA
BIHAR – 813 207

...RESPONDENTS

(BY SMT.PUSHPALATHA, ADDL. SPP FOR R1;
NOTICE ISSUED TO R2 THROUGH THE DGP/IGP, PATNA,
BIHAR AND POLICE REPORT WAS RETURNED BY POSTAL
SHARA I.E., "R2 REFUSED TO TAKE THE NOTICE", HENCE,
NOTICE RETURNED UNSERVED AND SAID REPORT IS
PLACED AT 'B' FILE)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION
14(A)2) OF SC/ST (POA) ACT PRAYING TO ENLARGE THE
APPELLANT ON REGULAR BAIL IN CR.NO.205/2025 VIDE
SPL.C.C.NO.1119/2025 FOR THE ALLEGED OFFENCE P/U/S
115(2), 126(2), 351(2), 351(3), 352, 64, 3(5) OF BNS
ACT AND SEC.3(1)(r), 3(1)(w)(i)(ii), 3(2)(v) OF SC/ST
(POA) ACT OF MAHADEVAPURA P.S. PENDING ON THE
FILE OF LXX ADDL.CITY CIVIL AND SESSIONS JUDGE, AT
BENGALURU.

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



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. The appellant herein, who is arrayed as accused No.2, has filed this appeal seeking for grant of regular bail in Crime No.205/2025 vide Spl.C.C.No.1119/2025 on the file of LXX Additional City Civil and Sessions Judge, Bangalore (CCH-71) in Crl.Misc.No.4289/2025 for the offences punishable under Section 115(2), 126(2), 351(2), 351(3), 352, 64 r/w Sections 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(w)(i)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Factual matrix of the case:

2. It is the case of the prosecution that, on 02.04.2025, around 03.30 a.m., the victim, aged about 19 years, lodged a complaint stating that she was residing along with her parents. She had come to Kattappan village, Kerala, where her sister and brother-in-law were residing and working in the cardamom garden.



3. It is further stated that, as she was not interested to work, she decided to go back to her native. On 01.04.2025, she went to Ernakulam railway station. Thereafter, she was instructed to board the Bengaluru-bound rail and get down at K.R.Puram railway station. Accordingly, she reached the said railway station around 01.30 A.M. on 02.04.2025. The complainant and her cousin brother were proceeding towards Mahadevapura to have food, in the meantime, they were wrongfully restrained and they have been assaulted. One of the accused had taken the victim to a nearby place and had sexual intercourse with her. Thereafter, she cried for help, and the public started gathering. On seeing the public, the accused persons were trying to escape; however, one of the accused was caught by the public. In the meantime, the Police arrived. The Police took him into custody.

4. The respondent-Police enquired him and he revealed his name as Asif. A case came to be registered



against two persons. After conducting the investigation, the respondent-Police submitted the charge-sheet.

5. Heard Sri. Naushad Pasha, learned counsel for the appellant and Smt. Pushpalatha, learned Additional State Public Prosecutor for respondent No.1.

6. It is the submission of learned counsel for the appellant that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. It is further submitted that the appellant, who is arraigned as accused No.2, has not committed rape on the victim. In fact, as per the averments of the statement, the accused No.2 was holding C.W.2, who is said to be the cousin brother of the victim and the accused No.1 stated to have committed sexual intercourse on the victim. Therefore, he may be enlarged on bail by considering the overt-act. Making such submissions, the learned counsel for the appellant prays to allow the appeal.



7. *Per contra*, the learned Additional State Public Prosecutor for respondent No.1, vehemently controverted the said fact and further, she submitted that the accused No.2 had held C.W.2, who is the cousin brother of the victim. The appellant was continuously threatening C.W.2 and he was also facilitating the accused No.1 to commit rape on the victim.

8. It is further submitted that, the manner in which these two appellants behaved with the victim really creates doubt in the mind of the women as to whether they really got independence or not. In order to secure the confidence in the mind of young women and also the public at large, it is necessary to reject the bail. Having said thus, the learned Additional State Public Prosecutor for respondent No.1 prays to reject the bail application.

9. Having heard the learned counsels for the respective parties and also perused the findings of the Trial Court, it appears from the record that the victim had



come from Kerala to Bengaluru, alighted at K.R.Puram Railway Station. There, she met her cousin, who is C.W.2. Both were going to have food, but, the appellant and another restrained them. The accused No.1 took the victim to a nearby place and committed sexual intercourse. The appellant herein had facilitated the accused No.1 to commit the said offence by holding C.W.2. The manner in which the appellant had committed the offence against the victim is considered as heinous in nature. He had an intention to commit rape on the victim. However, in the meantime, the public started gathering at the scene of the occurrence. Hence, one of the accused ran away from the spot.

10. It is settled principle of law that while granting the bail, there are certain parameters which are required to be fulfilled, they are :

a) The nature of accusation and severity of punishment in case of conviction and the nature of supporting evidence.



b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

c) Prima-facie satisfaction of the Court in support of the charge.

11. The Court usually has to consider all the above parameters to consider the bail application. No doubt, the personal life and liberty of a person are recognized as fundamental rights. However, such a right has to be exercised sparingly with utmost care and caution. In this case, the accused had committed a heinous offence against an adolescent girl who dreamt about her future and also aimed towards her life and its goal. The act committed by the accused along with another accused will remain in her life as a scar. It would be very difficult for her to come out of the agony that she had undergone. Having considered the same, it is relevant at this point of time to quote the sloka of Manusmriti which says **"Yatra naryastu pujoyante ramante tatra Devata, yatra itaastu na pujoyante sarvaastatrafalaah kriyaah"** is a



famous sloka taken from Manusmriti, which means, where women are honored, divinity blossoms there, and where women are dishonored, all actions, no matter how noble, remain unfruitful.

12. Now, it is also relevant to quote the sayings of Mahatma Gandhiji on "**freedom**", it says, ***"The day a woman can walk freely on the road at night, that day we can say that India has achieved independence"***. Having said thus, it is appropriate to reject the bail by dismissing the Criminal Appeal.

Ordered accordingly.

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

NM
List No.: 2 SI No.: 5