



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**CRIMINAL APPEAL NO. 1593 OF 2025**

**(U/S 14(A) (2))**

**BETWEEN:**

1. MR. CHANNAPPAR @ RAJAIAH  
@ ANGADI RAJA  
S/O LATE KEMPAIAH,  
AGED ABOUT 68 YEARS,  
R/AT NADABHOGANAHALLI VILLAGE,  
SHEELANERE HOBLI,  
K R PETE TALUK,  
MANDYA DISTRICT-571426  
(SENIOR CITIZENSHIP NOT CLAIMED)

...APPELLANT

(BY SRI. SHANKAR H S., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA BY  
K.R. PETE RURAL POLICE STATION,  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BANGALORE-560001.
2. SMT. PREMA  
W/O REVANNA,  
AGED ABOUT 36 YEARS,  
R/AT NADABHOGANAHALLI VILLAGE,  
SHEELANERE HOBLI,





K R PETE TALUK,  
MANDYA DISTRICT-571426.

...RESPONDENTS

(BY SMT. PUSHPALATHA HCGP R1;  
SMT. MAITREYI KRISHNAN, ADVOCATE FOR R2)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT 1989 PRAYING THAT TO SET ASIDE THE ORDER DATED 15.07.2025 PASSED BY THE ADDL.SESIONS JUDGE FTSC-II, MANDYA IN SPL.C NO.09/2025 AND ENLARGE THE APPELLANT ON BAIL IN CRIME NO.235/2024 (SPL.C.NO.9/2025) OF K.R.PET RURAL POLICE STATION, REGISTERED FOR THE ALLEGED OFFENCES P/U/S 376(3), 376(2)(n), 376DA, 450, 149 OF IPC U/S 4, 5(G), 5(5), 5(L), 6, 10 OF POCSO ACT AND UNDER SECTION 3(1)(w), 3(2)(v) OF SC AND ST ACT PENDING ON THE FILE OF THE ADDL.SESIONS JUDGE, FTSC-II, MANDYA.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



### **ORAL JUDGMENT**

This Criminal Appeal is filed by the appellant/accused No.2 seeking to set aside the order dated 15.07.2025 passed in Spl.C.No.09/2025 by the Addl. Sessions Judge, FTSC-II, Mandya and enlarge the appellant on bail in Cr.No.235/2024 of K.R. Pete Rural Police station for the offences punishable under Sections 376(3), 376(2)(n), 376(DA) and 450 read with section 149 of IPC and Sections 4, 5(G), 5(K), 5(L), 6, 10 of POCSO Act and under Sections 3(1)(w), 3(2)(v) of SC and ST ACT.

2. For the sake of convenience, the rankings of the parties would be henceforth referred to as per their rankings before the trial Court.

#### **The brief facts of the case:**

3. It is the case of the prosecution that the informant being a mother of the victim girl stated in her complaint that on 29.10.2024, she had taken her minor daughter to the Government hospital at K.R.Pete. The doctor in the hospital examined the victim girl and informed her that the victim was pregnant. The victim-girl, on enquiry stated that five persons were responsible for her pregnancy. Under this circumstance, a



complaint came to be registered against all the five persons for the aforesaid offences.

4. Heard learned counsel Sri. Shankar H.S., for the appellant, learned HCGP Smt.Waheeda M.M., for respondent No.1-State and learned counsel Smt. Maitreyi Krishnan for respondent No.2.

5. 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. The appellant is in judicial custody since 23.12.2024. The appellant is aged about 68 years having some old age ailments.

6. It is further submitted that as per the FIR, the incident of sexual assault committed from 01.05.2024 to 30.06.2024 and the complaint came to be registered on 09.11.2024. The DNA of the appellant did not match with the fetus. Therefore, he may be enlarged on bail by considering the said aspect.

7. *Per contra*, learned High Court Government Pleader for respondent – State vehemently justified the filing of charge



sheet and she submitted that the victim belongs to scheduled caste and she was a minor as on the date of the incident. Her age was 14 years. The statement of the victim would indicate that it was a gang rape committed by all the five persons against such a young victim on the pretext of seduction to get her eatables from shop and also misused the innocence and poverty of the victim-girl.

8. It is further submitted that the appellant being aged about 68 years and elderly person has committed heinous offence against the victim who is similar age of his granddaughter. Therefore, his bail application has to be rejected.

9. Having heard learned counsel for the respective parties and also perused the averments of the charge sheet, it appears from the record that the victim studied up to 8<sup>th</sup> standard and discontinued her studies when she was in 9<sup>th</sup> standard. She has stated that initially, she had been sexually assaulted by her own cousin brother. Thereafter, the appellant and others had sexually assaulted her on several occasions by inducing her that they would buy both eatables and new clothes etc., for her.



10. The act of committing sexual assault on the victim by taking advantage of her poverty and her innocence and also particular community is ruthless act. The manner in which, the appellant and others had committed sexual assault on the minor girl should be condemned, especially the appellant herein. The appellant being an elderly person should have advised and instructed others not to commit such a heinous offence or he should have brought to the notice of elders of the village to prevent it. Instead he committed sexual assault which is outrageous. Therefore, the appellant is not deserved to be enlarged on bail, by suspending the sentence.

11. In the light of the above, I proceed to pass the following:

**ORDER**

The appeal stands dismissed.

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

NM/JS  
List No.: 1 Sl No.: 25