



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 2ND DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL PETITION NO. 737 OF 2026
(439(Cr.PC) / 483(BNSS))

BETWEEN:

1. SRI DURGAPPA @ DURGESH
S/O LATE SANNA HANUMANTHAPPA
AGED ABOUT 38 YEARS,

...PETITIONER

(BY SRI. HONNESH B R, ADVOCATE)



AND:

1. STATE OF KARNATAKA
BY CHIKKANAYAKANHALLI POLICE STATION REP BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
BENGALURU – 560 001.
2. VICTIM
REP BY MOTHER
SMT. RADHA



W/O PARUSAPPA
AGED ABOUT 38 YEARS,

...RESPONDENTS

(BY SRI. LAXMAN, HCGP FOR R1;
SRI. MAKUNTE KOTRESHA, ADVOCATE FOR R2)
(VAKALATH FILED)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO RELEASE HIM ON BAIL, WHO IS ACCUSED IN SPL.
C-554/2025 (CR.NO.142/2025) BY THE RESPONDENT
CHIKKANAYAKANAHALLI POLICE, ON THE FILE OF ADDL.
DISTRICT AND SESSIONS JUDGE (FTSC-I) COURT AT
TUMAKURU, FOR THE OFFENCE PUNISHABLE UNDER SECTION
64(2)(f), 64(2)(m) 65(1) OF BNS ACT, AND SEC.4 AND 6 OF
THE POCSO ACT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. The petitioner is before this Court seeking for regular bail in Crime No.0142/2025 filed by the respondent – Police for the offences punishable under Section 64(2)(f), 64(2)(m), 65(1) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023') and Sections 4 and 6 of Prevention of Children from Sexual Offences Act, 2012 (for short 'POSCO Act').

Factual matrix of the case:

2. The case of the prosecution is that, a complaint came to be registered by one Smt. Radha W/o Parusappa stating that she had married the said Parusappa 25 years ago and he was working in the Brick Kiln. The couple had three children, out of which 2 are male children and one is female child. During the time of working at Brick Kiln, she had acquainted with the present petitioner. It is further stated that as there was a difference of opinion between the complainant and her first husband, they got separated with each other by taking divorce. Thereafter, she got married the petitioner herein. It is further stated that the complaint along with her children were residing with the petitioner near Kanakapura



Taluk. Thereafter, all the family members including the petitioner have shifted to their work place to Tumkur and they were working at S.R.S Bricks Industry. In the meantime, the complainant had to visit Chikkanayhakanahalli often. Hence, she was staying at Chikkanayakanahalli. On 01.09.2025, the petitioner had brought the children to Chikkanayakanahalli to attend the festival. The complainant was informed that her daughter/victim had not got her menstruation since two months. Thereafter, the victim was taken to the V.I.M.S Hospital, Ballari for medical examination. The Doctor after conducting examination, the victim opined that the victim girl was pregnant for two months. On enquiry, the complainant was informed that the petitioner had committed sexual assault on several occasions. Consequently, she became pregnant. On the basis of the said information, the respondent – Police registered a case, conducted investigation and submitted the charge-sheet.

3. Heard Sri. Honnesha B.R., learned counsel for the petitioner, Sri. Laxman, learned High Court Government Pleader for respondent No.1 and Sri. Makunte Kotresha, learned counsel for respondent No.2.



4. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences. In fact, he was taking care of the complainant, and her children by doing Coolie work. The petitioner has been falsely implicated in this case. In fact, there is no DNA test conducted to substantiate that he is responsible for the pregnancy of the victim. Therefore, the petitioner may be enlarged on bail by imposing suitable conditions. The petitioner will abide the conditions imposed by this Court in the event of he is released on bail. Making such submissions, learned counsel for the petitioner prays to allow the petition.

5. Per Contra, learned High Court Government Pleader for respondent No.1 - State of Karnataka, vehemently submitted that the petitioner being a step father had committed heinous offence against the daughter of the complainant and he is responsible for the pregnancy of the child, who is aged about 15 years 05 months. The offence committed by the petitioner is heinous in nature and detrimental to the society at large. If, the petitioner is enlarged on bail, there may be chances of threatening the prosecution witnesses and there will be threat to the society at large and also there may be chance of



threatening the prosecution witness. Therefore, the petition has to be rejected. Making such submission, learned High Court Government Pleader prays to reject the petition.

6. Similarly, respondent No.2 on instruction had filed a vakalath and submitted that the petitioner may be enlarged on bail as he has not committed any offences as stated in the complaint.

7. Heard learned counsel for the respective parties and perused the averments of the complaint and charge-sheet. It appears from the record that the respondent No.2 being a complainant had stated before the Authority that she had been subjected to sexual assault by the petitioner who is none other than the step father. Having considered that the offence is detrimental to the society at large and also against the morality of prudent society, hence, it is appropriate to reject the petition in order to secure and gain the better society and also to sustain a good custom under the Hindu tradition. Accordingly, the petition stands ***rejected***.

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

NM