



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

**DATED THIS THE 29<sup>TH</sup> DAY OF MAY, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO. 1890 OF 2026**

**(439(Cr.PC)/483(BNSS))**

**BETWEEN:**

SRI. NITHIN G.B.  
S/O BASABARAJAPPA B.C.,  
AGED ABOUT 31 YEARS,  
R/AT NO.840/13,  
NITHIN NILAYA,  
SARASWATHI NAGARA  
A BLOCK, NITTUVALLI,  
DAVANGERE – 577 004



...PETITIONER

(BY SRI. MANOJ S N., ADVOCATE)

**AND:**

STATE OF KARNATAKA BY  
CYBER CRIME POLICE STATION,  
BENGALURU CITY,



REPRESENTED BY THE SPP,  
HIGH COURT OF KARNATAKA,  
BENGALURU – 560 001

...RESPONDENT

(BY SMT. PUSHPALATHA B., ADDL. SPP)

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THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)  
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO  
ENLARGE THE PETITIONER/ACCUSED NO.2 ON BAIL IN CRIME  
NO.69/2025 REGISTERED BY CYBER CRIME P.S. FOR THE  
OFFENCE P/U/S 67 AND 66(C) OF THE IT ACT 2000 AND U/S  
351(3), 352, 75(3), 351(2), 79 R/W SECTION 3(5) OF THE BNS  
2023 PENDING ON THE FILE OF THE 45<sup>TH</sup> ADDL. CHIEF  
JUDICIAL MAGISTRATE BENGALUR IN CRIME NO.69/2025.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND  
RESERVED ON 08.04.2026, COMING ON FOR  
PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT  
MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



### **CAV JUDGMENT**

1. This criminal petition is filed by the petitioner who is arrayed as accused No.2 in Crime No.69/2025 filed by the respondent – Police for the offences punishable under Section 67, 66(C) of Information Technology Act, 2000 and under Section 351(3), 352, 75(3), 351(2) and 79 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short BNS*).

#### **Factual matrix of the case:**

2. The case of the prosecution is that the complainant is the wife of eminent film actor. The film in which her husband played a lead role was released on 11.12.2025. The complainant had participated in the programme held at Davangere on 21.12.2025 and made certain statements in the said event. However, her statement has been misinterpreted and it is alleged that derogatory comments were allegedly posted on social media platforms by some unknown persons. On going through the said comments, the complainant had lodged a complaint before the respondent – Police. The respondent - Police registered a case and conducted investigation. The investigation is in progress.



3. Heard Sri. Manoj S.N. learned counsel for the petitioner and Smt. Pushpalatha B., learned Additional Special Public Prosecutor for respondent – State of Karnataka.

4. Learned counsel for the petitioner submits that the allegations made against the petitioner are that the petitioner has posted a comment on an existing social media. However, mere posting the comments on the platform already existed would not attract the ingredients of the provisions stated in the F.I.R.

5. It is further submitted that the petitioner is innocent of the alleged offences. He had no intention to disrespect any individual, in fact, he does not know the consequences of commenting to the post which reflected in social media.

6. It is further submitted that the petitioner is the earning member of the family and he is a permanent resident of the address stated in the cause title. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submission, learned counsel for the petitioner prays to allow the petition.



7. Learned Additional Special Public Prosecutor for respondent – State vehemently submitted that the petitioner has committed a heinous offence. He has made certain derogatory comments against the victim. The investigation is under progress. Cyber crime have become a menace to the society. A person sitting in a different place with a device in their hands feels entitled to do anything and everything according to their whims and fancies, troubling innocent persons/innocent citizens. In order to regulate such menace to the society, it is necessary to reject the bail petition. Making such submission learned Additional Special Public Prosecutor for respondent – State prays to reject the petition.

8. Heard learned counsel for the respective parties and perused the averments of the complaint. As per the averments of the remand application, the petitioner herein is arrayed as accused No.2. He is having an instagram account in the name of "nithin\_gb\_official". He made a derogatory comment from his account against the complainant in such a way that it has directly affected the dignity of the complainant.



9. No doubt, social media is designed to facilitate communication and allow individuals to express their ideas and share views that contribute favorably to the development of the nation. However, some miscreants misuse the liberty of speech and expression conferred under the Constitution by exceeding their legitimate limits. In other words, they act beyond the acceptable norms of society.

10. In the present case, the petitioner has used social media as a tool for harassment and intimidation by deploying filthy and abusive language, which is unpardonable. The self-esteem and dignity of a woman must be protected by exercising the inherent jurisdiction of the Constitutional Courts. Once confidence is instilled in the minds of women that the Courts stand ready to protect their fundamental rights and interests, they can live in society peacefully, without fear or hesitation.

11. The derogatory words used by the petitioner on his Instagram account against the complainant must be dealt with strictly. To send a strong message to deter such evil minds and



regulate such menace in society, it is appropriate to reject the bail application.

12. Hence I proceed to pass the following:

**ORDER**

i. The Criminal Petition stands ***rejected***.

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

NM