



CNR: KAHC010588442026

NC: 2026:KHC:55046
CRL.P No. 13027 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13027 OF 2026

BETWEEN:

SRI MOHAMMED AYAN
S/O ASLAM PASHA
AGED ABOUT 26 YEARS
R/AT NO.7/1 PRAGYA
JEWELLERY OPPOSITER
VIVIANI ROAD FRASER TOWN
BENGALURU - 560 005.

...PETITIONER

(BY SRI TOMY SEBASTIAN, SR. COUNSEL FOR
SRI ALWYN SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY INDIRANAGARA POLICE STATION
REPRESENTED BY THE STATE
PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP;
SRI ABDUL MAJID, ADV. FOR DEFACTO COMPLAINANT)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO PASS AN ORDER THE RELEASE OF THE PETITIONER ON
BAIL IN CR.NO.231/2026 INDIRANAGAR P.S. REGISTERED UNDER
SEC.69 OF BNS 2023 PENDING ON THE FILE OF THE X A.C.J.M
BENGALURU MAYO HALL.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY



**CNR: KAHC010588442026****ORAL ORDER**

1. Accused in Crime No.231/2026 registered by Indranagar Police Station, Bengaluru, for the offence punishable under Section 69 of BNS, 2023, is before this Court in this petition filed under Section 483 of BNSS, 2023, seeking regular bail.
2. Heard the learned counsel for the parties.
3. FIR in Crime No.231/2026 was registered by Indranagar Police Station, Bengaluru, for the aforesaid offences, against the petitioner herein based on information dated 14.07.2026 received from the alleged victim girl aged 25 years. During the course of investigation of the case, petitioner was arrested on 15.07.2026 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.7153/2026 was rejected on 19.08.2026. Therefore, he is before this Court.
4. Learned Senior Counsel having reiterated the grounds urged in the petition submits that for reasons beyond the control of the petitioner, his relationship with the first informant had failed. Subsequently, for extraneous reasons, she had

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approached the police and has filed a complaint by making false allegations against the petitioner. Petitioner, who has no other criminal antecedents, is in custody. Investigation of the case is now completed. The maximum punishment for the alleged offence is imprisonment for a period of 10 years. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP for respondent No.1/State and learned counsel for respondent No.2/defacto complainant have opposed the petition. Learned counsel for respondent No.2 submits that a reading of the first information as well as the charge sheet material clearly makes out a *prima facie* case as against petitioner for the alleged offence. He submits that petitioner has misled the victim girl and by making false assurance of marrying her, he had physical relationship with her. Accordingly, he prays to dismiss the petition.

6. A reading of the first information submitted by the victim girl, aged 25 years, would go to show that victim girl got acquainted with the petitioner in her work place and thereafter, he allegedly promised to marry her and subsequently, had

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physical relationship on various dates. In the first information, it is alleged that petitioner, who had promised to marry the victim girl subsequently had broken his promise and had refused to marry the victim girl.

7. The statement of the victim girl has been recorded in the present case under Section 183 of BNSS, 2023, before the jurisdictional Magistrate. In the said statement, victim girl has stated as follows:

"I was working in Alleviate pain Management Clinic, Indiranagar. There I met Ayan Mohammed. We were working in same place. He was in relationship with another girl. 6th of January 2026, he approached me sexually without my consent and had intercourse with me without my consent. Later he said he would marry me and also promised me. He started having intimacy with me on several occasions i.e., on 07.01.2026, 13.04.2026 and had sexual intercourse on 13.06.2026. Thereafter, we decided to tell our parents. I told the same to my parents and they accepted. His parents. I told the same to my parents and they accepted. His parents came to clinic and spoke to me harshly. They also spoke to the M.D. and got me terminated from the office. They said that marriage between me and Ayan cannot take place due to caste and religions even though I belong to Muslim religion. I again tried to reach

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Ayan who was house arrest and his mobile was also seized. I tried to reach him through his mother and she again said the same thing. I spoke to Ayan through his mother's phone. He said that his mother gave him option either to choose her or choose me and he said that he chooses his mother. I tried to go through the police station as he promised marry me and has he had sexual intercourse multiple times. Despite the same he refused to marry me due to his parents and family pressure. I had other alliance but as Ayan spoke to my parents and promised to marry me they cancelled said alliance."

8. From a reading of the aforesaid, it is apparent that victim girl knew that petitioner was in a relationship with another girl and subsequently, he had approached her and had sexual intercourse with her. The alleged promise to marry victim girl is after the act of sexual intercourse committed by him. For the purpose of attracting the offence punishable under Section 69 of BNS, 2023, a person should have sexual intercourse with a woman by deceitful means or by making promise to marry a woman without intention of fulfilling the same, not amounting to the offence of rape.

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9. In the statement made by the victim girl under Section 183 of BNSS, 2023, she has clearly stated that prior to the petitioner making the promise to marry her, he had sexual intercourse. Material on record would go to show that even thereafter, petitioner and the victim girl had sexual intercourse on couple of occasions. Investigation of the case is completed and charge sheeted is filed. The maximum punishment for the alleged offence is imprisonment for a period of ten years. Undisputedly, petitioner has no other criminal antecedents. Accordingly, the following order:-

10. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.231/2026 registered by Indranagar Police Station, Bengaluru, for the offence punishable under Section 69 of BNS, 2023, subject to the following conditions:

- a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;



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- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN
List No.: 1 Sl No.: 82