

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 12TH DAY OF AUGUST, 2025****BEFORE****THE HON'BLE MR. JUSTICE S RACHAIAH****CRIMINAL APPEAL NO. 75 OF 2025 (U/S 14(A)(2))****BETWEEN:**

SRI CHANDRAPPA
S/O SRI RAJANNA
AGED ABOUT 37 YEARS
R/AT MALLISHETTIPURA VILLAGE
KASABA SIDLAGHATTA
CHIKKABALLAPUR-562 101

...APPELLANT

(BY SRI. NANJUNDA GOWDA M R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SIDLAGHATTA RURAL POLICE STATION
CHIKKABALLAPUR DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1;
SRI. SIDDHARTH P. DESAI, ADVOCATE FOR R2)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DTD 10.12.2024 PASSED IN SPL.SC.NO.136/2022 ON THE FILE OF THE FTSC-I (POCSO) AND ADDITIONAL SESSIONS JUDGE, AT CHIKKABALLAPUR AND ALLOW THE APPEAL AND RELEASE THE APPELLANT ON REGULAR BAIL IN CR.NO.220/2022 OF SHIDLAGHATTA RURAL P.S., FOR THE OFFENCES P/U/S 201, 323,





363, 366, 376, 506 OF IPC, U/S 16, 6 OF POCSO ACT, 2012, U/S 3(1)(r), 3(1)(w), 3(2)(va) OF SC/ST (POA) ACT, 1989.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. The appellant is before this Court seeking regular bail in Crime No.220/2022 registered by the respondent-police for the offence under Section 363 of Indian Penal Code (for short 'IPC').

Brief facts of the case:

2. The case of the prosecution is that the mother of the complainant has lodged a complaint stating that on 27.07.2022, at about 09.00 a.m., she instructed her daughter to take bath and go to school. However, as the victim was not found anywhere in the said house, even after a lapse of several hours, she did not notice her daughter in the house. Therefore, she started searching here and there; however, she could not find the victim anywhere in and around the village. Subsequently, she filed a complaint before the respondent - police by giving



- the description of the victim. The respondent - Police have registered a case as a missing complaint.
3. During investigation, they traced the victim and recorded her statement. As per the said statement, the appellant herein being a known person to the victim, took her forcibly in his vehicle when she was going near the drainage in the village and took her into the mango grove and committed sexual assault on her. Thereafter, he took her to Venkateshwara Dhaba and left her in the said dhaba for work. After one week again, he went there and had sexual intercourse with her and received money from accused No.2 as advance for having supplied her for manual work.
 4. The victim somehow managed to take a mobile phone from one of the customers and called her cousin and narrated the incident. Immediately, the cousin went to the dhaba and rescued her with the help of the police. Thereafter, her statement was recorded before the learned Magistrate. After conducting investigation, submitted the charge sheet for the offences punishable under Sections 201, 323, 363, 366, 376, 506 of IPC,



- Sections 16, 6 of Protection of Children from Sexual Offences Act, 2012, and under Sections 3(1)(r), 3(1)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5. Heard Sri Nanjunda Gowda M.R., learned counsel for the appellant and Smt. Waheeda M.M., learned High Court Government Pleader for respondent No.1 and Sri Siddharth P. Desai, learned counsel for the respondent No.2.
 6. Learned counsel for the appellant submitted that the appellant is innocent of the alleged offences and he has not committed any offences, as alleged in the charge sheet. The victim has narrated different versions at different places and that cannot be considered at this stage.
 7. It is further submitted that, though the victim had stated that she was taken to the mango grove and was sexually assaulted, thereafter, she was taken to the dhaba and asked her to work as a servant in the said dhaba, she did not inform anybody regarding her stay and was working in the said dhaba till 7 – 8 days.



8. It is further submitted that, there is a history that she had eloped prior to this incident from her house and worked in different places. Such being the fact, making allegations against the appellant that he had sexually assaulted her and forced her to do work in the said dhaba as a maid is unnatural and the Trial Court did not consider this aspect while appreciating the evidence, therefore, the appeal has to be allowed. Making such submissions, learned counsel for the appellant prays to allow the appeal.
9. *Per contra* learned High Court Government Pleader for respondent No.1 – State vehemently opposed the said submissions and she further submitted that the victim belongs to Scheduled Caste community and she was forced to work in the dhaba as a maid knowingly that she is a minor. In addition to that, the appellant had committed sexual assault on the girl. The same has been narrated in the charge sheet. Hence, it is not appropriate to grant bail. Making such submissions, learned High Court Government Pleader prays to reject the appeal.



10. Similarly, learned counsel for the respondent No.2 Sri Siddharth P. Desai filed statement of objections and contended that the appellant being a married man, aged about 37 years, committed sexual assault on a minor girl and made her to work as a labourer in the dhaba on receiving the amount from accused No.2, who was running the dhaba. As he has committed heinous offence, it is not appropriate to grant him bail. Making such submissions, learned counsel for the respondent No.2 prays to reject the appeal.
11. Having heard learned counsel for the parties and also perused the averments of the charge sheet, it would indicate that the appellant being a married man, aged about 37 years, induced the minor girl and took her into the mango grove and committed sexual assault and thereafter, he took her to Venkateswara Dhaba and forced her to work as a labourer in the said dhaba, which is unpardonable. Moreover, he has received amount from accused No.2 for having supplied her as a labourer to the said dhaba.



12. The act of committing sexual assault on the minor girl being a married man is unpardonable and it has to be viewed strictly not only in order to restore the confidence in the minds of children and women, but also to send a strong signal to the society at large. Hence, it is appropriate to reject the bail. It is noticed here that, the victim belongs to Scheduled Caste and she is so susceptible to persons like appellant, for the purpose of exploitation. Hence, it is high time to send a strong signal to the society at large to be more vigilant on women and children belonging to weaker sections of the society.
13. In the light of the observation made above, I proceed to pass the following:-

ORDER

The Criminal Appeal stands *rejected*.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 Sl No.: 20