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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2056 OF 2025

BETWEEN:

CHARAN H V,
S/O VIJAY KUMAR,
AGED ABOUT 23 YEARS,
R/AT HUBBANAHALLI VILLAGE AND POST,
SANTHEBACHAHALLI HOBLI,
K R PETE, MANDYA - 571 426.

...APPELLANT

(BY SRI *NIKHIL SAI M., ADVOCATE FOR
SMT YUKTHA N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
SUBRAMANYAPURA PS,
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

2. VINITHA,
D/O LATE EERANNA,
AGED ABOUT 24 YEARS,
RESIDING AT NO.65,
3RD MAIN ROAD, 6TH CROSS,
HANUMAGIRI NAGAR,
CHIKKALASANDRA,
BENGALURU - 560 061.

...RESPONDENTS

(SMT. ASMA KAUSER, ADDL SPP. FOR R1,
R2 SERVED)



THIS CRL.A IS FILED U/S 14A(2) OF SC AND ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDERS PASSED BY THE ORDER DATED 26.09.2025 IN CRL.MISC NO.8126/2025 FILED U/S 483 OF BNSS PASSED BY THE LD LXX ADDL.CITY CIVIL AND SESSIONS JUDGE, BANGALORE ARISING OUT OF CRIME NO.351/2025 FOR OFFENCES P/U/S 69, 89, 351(2) OF THE BNS 2023 AND SECTION 3(2)(V) OF THE SC AND ST (PREVENTION OF ATROCITIES ACT) 1989 ARRAIGNING THE PETITIONER AS SOLE ACCUSED VIDE ANNEXURE-A AND CONSEQUENTLY GRANT REGULAR BAIL IN 351/2025 FOR OFFENCES P/U/S 69, 89, 351(2) OF THE BNS 2023 AND SECTION 3(2)(V) OF THE SC AND ST (PREVENTION OF ATROCITIES ACT) 1989 ARRAIGNING THE PETITIONER AS SOLE ACCUSED VIDE ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant has preferred this appeal against the order dated 26.09.2025 in Crl.Misc.No.8126/2025 passed by the L Addl. District and Sessions Judge, Bengaluru c/c LXX Addl. City Civil & Sessions Judge, Bengaluru (for short "the trial Court").
2. The Brief facts leading to this appeal are that, on the basis of complaint filed by the victim, Subramanyapura Police have registered the case in Crime No.351/2025



against the accused for commission of offences under sections 69, 89, 351(2) of BNSS-2023 and Section 3(2)(v) of the SC/ST (POA) Act, 1989.

3. The accused was arrested on 15.09.2025 and remanded to judicial custody. On behalf of the accused/appellant bail application was filed under Section 483 of BNSS 2023 seeking regular bail before the Trial court. Same came to be rejected. Being aggrieved by this order, the appellant has preferred the present appeal.

4. Learned counsel appearing on behalf of the appellant would vehemently submit that, the accused produced before the Court on 16.09.2025 and he was remanded to judicial custody till 30.09.2025. On 30.09.2025, the trial court has passed an order that accused not produced from judicial custody and to await final report list on 10.10.2025. It is submitted that, in view of the decision of Hon'ble Supreme Court in the case of ***Jigar Alias Jimmy Pravinchandra Adatiya Vs. State of Gujarat*** reported



in **(2023) 6 SCC 484** wherein the Hon'ble Supreme Court has observed that no Magistrate shall authorise the detention of the accused in the custody of the Police unless the accused produced before him in-person. Further, he would submit that the Investigating Officer has not complied mandatory provisions of 187(4) of BNSS-2023. The accused is not required for investigation, for that purpose the Investigating Officer has not sought the accused for further extension of this accused in judicial custody. Accused has not committed any offence as alleged against him. The alleged commission of offences are not punishable with death or imprisonment for life. Further, he would submit once an order of remand expires and a fresh order of remand is not passed, merely noting the next date of production on the jail warrant without there being anything in the order sheet committing or further continuing such custody becomes illegal, which cannot be cured by subsequent order of remand for a subsequent period. To substantiate this argument, he



relied on the decision of Hon'ble Supreme Court in the case of **Ram Narayan Singh Vs. State of Delhi** reported in **AIR 1953 SC 277** and also in the case of **Subhash Vs. State of Madhya Pradesh.**

5. *Per contra*, learned Addl. SPP Smt. Asma Kauser would submit that there are *prima facie* materials to attract the alleged commission of offences. At this stage, if the accused is released on bail, he may tamper or threaten the prosecutions witnesses. On all these grounds, she sought for rejection of the appeal.

6. I have examined the materials placed before this Court and perused the materials on record.

7. On the basis of the complaint filed by the victim, Subramanyapura Police have registered the case in Crime No.351/2025 against the accused for the alleged commission of offences under sections 69, 89, 351(2) of BNSS-2023 and Section 3(2)(v) of the SC/ST (POA) Act, 1989.



8. It is alleged by the prosecution that the de-facto Complainant is employed as a Cashier at Brundavana Hotel, situated at Ramanjaneya Nagar, Chikkallasandra. She hails from Bellary and belongs to the Valmiki Nayak community. In the said hotel, the Appellant operates a juice center. The Appellant is a native of Mandya district and belongs to the Okkaliga community. During their acquaintance in the month of November 2024, the Appellant proposed to the complainant and assured her that he would marry her. Subsequently, they began residing together at House No. 65, 3rd Main, 6th Cross, Hanumagiri Nagar, Chikkallasandra, from 20.11.2024 to 14.08.2025. During this period, the Appellant gave assurances of marriage and had physical relations with the complainant on multiple occasions, as a result of which she became pregnant. At that time, the Appellant administered abortion tablets to the complainant. Whenever the complainant raised the issue of marriage, the Appellant would cite various reasons to postpone it.



Eventually, he refused to marry her, citing her caste as the reason and asserting that his family would not accept the marriage. He also allegedly threatened her with dire consequences if she continued to approach him regarding the matter of marriage. Based on this complaint, the Police have registered the case in Crime No.351/2025 for the offences under sections 69, 89, 351(2) of BNS and Section 3(2)(v) of the SC/ST (POA) Act, 1989 arriving this appellant as accused.

9. The accused was arrested on 15.09.2025. On that day he was remanded to judicial custody till 30.09.2025. On that day, the Investigating Officer had not submitted remand application. On 30.09.2025, the accused was not produced before the Court from judicial custody and the Court has not passed any order as to extension of remanding the accused to judicial custody till 10.10.2025. Without assigning any reasons, the Trial Court has adjourned the case on 10.10.2025. In this regard, this Court has received the report from the concerned



Presiding Officer. The Presiding Officer has submitted his report in which it is stated that the accused was not produced from judicial custody either in-person or through video conference and the Investigating Officer did not file a remand application seeking extension of judicial custody. Further, the Investigating Officer has not submitted as to compliance of mandatory provisions of Section 187(4) of BNSS-2023.

10. I have gone through the decision in the case of ***Jigar Alias Jimmy (supra)***. At Para 41 of the judgment, it is observed as under:

"Clause (b) of sub-section (2) of Section 167 CrPC lays down that no Magistrate shall authorise the detention of the accused in the custody of the police unless the accused is produced before him in person. It also provides that judicial custody can be extended on the production of the accused either in person or through the medium of electronic video linkage. Thus, the requirement of the law is that while extending the remand to judicial custody, the presence of the accused has to be procured either physically or virtually. This is the mandatory



requirement of law. This requirement is sine qua non for the exercise of the power to extend the judicial custody remand. The reason is that the accused has a right to oppose the prayer for the extension of the remand."

11. Relying on the decision of the Hon'ble Supreme Court in the case of ***Subhash Vs. State of Madhya Pradesh (supra)***, this Court held as under:

"Once the order of remand expires and a fresh order of remand is not passed, merely noting the next date of production on the jail warrant without there being anything in the order-sheet, committing or further continuing such custody, the detention becomes illegal, which cannot be cured by a subsequent order of remand for subsequent period."

12. In view of the aforesaid decisions, the accused is entitled for bail. Apart from this, the alleged commission of offences are not punishable with death or imprisonment for life. The accused is not required for further investigation.



13. Considering the nature and gravity of offences, previous antecedents of the accused, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

O R D E R

- (i) The Criminal Appeal is ***allowed***.
- (ii) The impugned order dated 26.09.2025 in Crl.Misc.No.8126/2025 passed by the L Additional District and Sessions Judge, Bengaluru c/c LXX Addl. City Civil & Sessions Judge, Bengaluru, is set aside.
- (iii) Consequently, the bail application filed under Section 483 of BNSS-2023, is allowed.
- (iv) The accused/appellant shall be released on bail on executing self-bond of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court.



- (v) The accused/appellant shall not tamper or threaten the prosecution witnesses in any manner.
- (vi) The accused/appellant shall not indulge in similar offences in future.
- (v) Registry is directed to send a copy of this order to the Trial Court for taking necessary action.

**SD/-
(G BASAVARAJA)
JUDGE**

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List No.: 1 Sl No.: 61