



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL APPEAL NO. 109 OF 2025

BETWEEN:

CHARAN J. S.
S/O J.V. SURESH,
AGE 31 YEARS,
R/OF JOLDAL VILLAGE AND POST,
VASTARE HOBLI, CHIKKAMAGALURU -
PIN CODE-577133.

...APPELLANT

(BY SRI. UTSAV GOWDA P S., ADVOCATE)

AND:

1. STATE BY KARNATAKA
MALLANDURU POLICE,
CHIKKAMAGALURU,
CHIKKAMAGALURU DISTRICT, REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU-560001.
2. SMT. SUMITHRA
W/O LATE SOMAIAH,
AGED ABOUT 45 YEARS,
3. SMT. NETHRA
W/O LATE PUTTASWAMY,
AGED ABOUT 50 YEARS,
4. SMT. RADHA
W/O. KRISHNA,
AGED ABOUT 30 YEARS,



5. SMT. SUSHEELA
W/O. PUTTASWAMY,
AGED ABOUT 40 YEARS

ALL ARE COOLIES, KALENHALLI
JOLADAL VILLAGE, VASTHARE HOBLI,
CHIKMAGALURU, KARNATAKA
PIN CODE - 577133.

...RESPONDENTS

(BY SRI. RAHUL RAI.K., HCGP FOR R1;
R2 SERVED)

THIS CRL.A IS FILED U/S 14(A) (2) OF SC/ST (POA) ACT PRAYING TO ENLARGE THE APPELLANT ON BAIL AND SET ASIDE THE ORDER DATED 22.01.2024 IN CRL.MISC.NO.596/2024 IN CR.NO.10/2023 REGISTERED BY MALLANDURU POLICE, CHIKKAMAGALURU STATION ON THE FILE OF SPL.C.NO.95/2023, FOR THE OFFENCES P/U/S 3(1)(r)(s)(2) OF THE SC/ST (POA) ACT, 2015, U/S 504,323,324,506 AND 34 OF IPC, PENDING ON THE FILE OF I ADDITIONAL SESSIONS AND SPECIAL JUDGE AT CHIKMAGALUR.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL JUDGMENT

Heard the learned counsel for appellant, learned High Court Government Pleader for the State and perused the material on record. Respondent No.2 is served but unrepresented.



2. The order dated 22.11.2024 passed by the Court of I Additional Sessions and Special Judge, at Chikkamagaluru in Crl.Misc.No.596/2024, rejecting the prayer of the appellant to enlarge him on bail, is assailed in this appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989.

3. It is the case of prosecution that on 10.02.2023 at 11.30 a.m., Revenue Inspector, Village Accountant and Taluk Surveyor and other officials visited Joldhal village, Vastare Hobli, Chikkamagaluru, to prepare a sketch to form a connecting road to Kalenahalli from the main road. When the complainant and others were cooperating with the said officials to prepare the sketch, at about 03:00 p.m., all the accused forming an unlawful assembly, came to the spot and assaulted the complainant and others with clubs and also abused them in filthy language referring to their caste etc.

4. FIR was registered against accused Nos.1 to 6 for offences punishable under Section 504, 323, 324, 506



read with 149 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA), Amendment Bill 2015.

5. Accused Nos.1 to 6 preferred Crl.A.No.737/2023 before this Court, against the rejection of their anticipatory bail application by the Special Court. The said appeal was dismissed as withdrawn on 21.04.2023. Once again, accused Nos.3 to 6 preferred Crl.A.No.1379/2023 before this Court against the order rejecting their anticipatory bail application. The said appeal was also dismissed as not pressed on 22.09.2023. The appellant herein, arraigned as accused No.3 in the FIR, approached this Court in Crl.A.No.635/2024 challenging the order dated 09.03.2023 passed in Crl.Misc.No.131/2023 by the Special Court, rejecting his prayer seeking anticipatory bail. The said appeal was disposed of on 01.10.2024, permitting him to file a fresh petition, in view of filing of charge sheet.



6. The Special Court has now once again rejected the prayer seeking anticipatory bail filed by the appellant vide impugned order. Hence, this appeal.

7. The Special Court has rejected the prayer seeking anticipatory bail, observing that the successive bail application can be entertained if there is any change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. Further, the accused had approached the Court seeking anticipatory bail earlier and it was rejected and even this court also not granted anticipatory bail and mere filing of charge sheet is not a change in circumstance.

8. The learned High Court Government Pleader contended that already the prayer seeking anticipatory bail has been rejected by the Special Court as well as by this Court and there is no changed circumstances to once again consider the prayer. He contended that the trial



Court has issued NBW against the appellant and in view of filing of charge sheet, there is a *prima-facie* case.

9. The learned counsel for the appellant has drawn the attention of the court to the statements of CWs.8 to 10, namely the Revenue Inspector, Taluk Surveyor and Village Panchayath Officer, to contend that they have stated that in their presence, the accused have not abused the complainant or others in filthy language referring to their caste. He contended that in view of the civil dispute, the appellant is falsely implicated in this case. Further, the complaint is lodged after a case was registered against the complainant and others in Crime No.9/2023 of Mallandur Police Station, Chikkamagaluru.

10. In this case, FIR was registered against accused Nos.1 to 6 on a complaint lodged by one Sumithra, whose statement was recorded from the hospital. The case was registered in Crime No.10/2023 of Mallandur police station, on 10.02.2023 at about 10.00 p.m. Prior to registration of the said case, on the very same day at



about 05:30 p.m. there was a case registered in Crime No.9/2023 on a complaint lodged by one Dharshan, arraigned as accused No.4 in this case, against the first informant Sumithra and nine 9 others, for the offence punishable under Section 427, 506, 504, 149, 447, 323, 324 of IPC. Be that as it may, though 6 accused are named in the FIR, while filing charge sheet, names of 4 accused are dropped. Charge sheet is filed against accused Nos.1 and 3 named in the FIR, for the offences punishable under Section 504, 323, 324, 506 r/w 34 of IPC and Section 3(1)(r)(s)(2)(va) of the SC&ST (Prevention of Atrocities) Amendment Act, 2015.

11. Insofar as the allegations under the Atrocities Act is concerned, the witnesses namely CW.8 to CW.10 have stated that they were present at the spot and the accused have not abused the complainant or others and that no such incident of abuse or assault took place. In view of the same, it cannot be said that there is a *prima-facie* case against the appellant at this stage.



12. Considering the above facts and circumstances, the relief sought by the appellant in this appeal can be granted, however by imposing conditions. Accordingly, the following:-

ORDER

- i) The appeal is ***allowed***.
- ii) The Order dated 22.11.2024 passed by the Court of I Additional Sessions Judge and Special Judge at Chikkamagaluru, in CrI.Misc.No.596/2024 is ***set aside***.
- iii) The appellant/accused No.2 (in charge sheet) is ordered to be released on bail in the event of his arrest. In Crime No.10/2023 of Mallandur Police Station, Chikkamagaluru, subject to following conditions:
 - a) He shall appear before the Jurisdictional Court within a period of one week from the date of receipt of a copy of this order and shall execute a personal bond for a sum of Rs.1,000,000/- (Rupees One Lakh only) with two sureties for the likesum.



- b) He shall furnish proof of his residential address/contact number and shall inform the Court/I.O. in case of any change in the address/contact number.
- c) He shall co-operate with the further investigation of the case, if any.
- d) He shall not tamper with the prosecution evidence/witnesses either directly or indirectly.
- e) He shall be regular in attending the Court proceedings.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

LDC
List No.: 1 Sl No.: 3