



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 544 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. MR. ASIF S
S/O SHAIK MAHABOOB SAB
AGED ABOUT 22 YEARS,
R/AT. B. BOMMASANDRA VILLAGE,
DARINAIKANAPALYA, D.PALYA HOBLI
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISRCTCT-561206
2. MR.APSAR. S
S/O SHAIK MAHABOOB SAB
AGED ABOUT 20 YEARS,
R/AT. B. BOMMASANDRA VILLAGE,
DARINAIKANAPALYA, D.PALYA HOBLI
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISRCTCT-561206

...APPELLANTS

(BY SRI. HARI KRISHNA K A., ADVOCATE)

AND:

1. THE STATE REP BY D C R E POLICE STATION
CHIKKABALLAPURA, (MANCHENAHALLI P.S.)
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.



2. SMT. SHILPA S
W/O HARISH,
AGED ABOUT 30 YEARS,
R/AT B. BOMMASANDRA VILLAGE,
D PALYA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA – 561206

...RESPONDENTS

(BY SRI. M V ANOOP KUMAR, HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)2) OF SC/ST (POA) ACT PRAYING TO 1.SET ASIDE THE ORDER DATED 11.03.2026 PASSED IN SPL.S.C.NO.41/2026 BY THE HON'BLE 1ST ADDL. DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPURA WHICH IS PRODUCED AS PER ANNEXURE-C AND 2.GRANT REGULAR BAIL TO THE APPELLANTS IN SPL.S.C.NO.41/2026 ARISING OUT OF CR.NO.301/2025 REGISTERED BY THE RESPONDENT NO.1 (THE STATE REP BY MANCHENAHALLI P.S. NOW IT IS D.C.R.E P.S) FOR THE OFFENCE P/U/S 118(2), 109(1), 352, 3(5) OF BNS ACT AND SEC.3(1)(r)(s), 3(2)(v) OF THE SC/ST (PREVENTION OF ATROCITIES AMENDMENT ACT, 2015), PENDING BEFORE THE HON'BLE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPURA AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. This appeal has been filed by the appellants seeking to set aside the order dated 11.03.2026, passed in Spl.S.C.No.41/2026, on the filed of the learned I Addl. District and Sessions Judge, Chikkaballapura, for the offences punishable under Section 118(2), 109(1), 352 and 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, and sections 3 (1) (r) (s), 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short, 'SC & ST (POA) Act').

The factual matrix of the case:

2. The case of the prosecution is that the appellants are residing in the opposite house of C.W.3. It is alleged that these appellants used to scold C.W.3, as such there was a quarrel between them on 11.12.2025 around 3.00 p.m. The matter was pacified by the intervention of C.W.2. On the same day, around 7.00 p.m., the appellants were scolding C.W.3. Therefore, the C.W.3 went to question them along with C.W.1, 2 and 4 to 6. On seeing them,



the appellants alleged to have scolded them by naming their caste and assaulted C.W.2 with machete and wooden stick. Consequently, C.W.2 sustained injuries and he was shifted to hospital and thereafter, a complaint came to be registered before the respondent - police for the offences stated supra.

3. Heard Sri. Hari Krishna K.A., learned counsel for the appellants and Sri. M.V.Anoopkumar, learned HCGP for respondent No.1.
4. The submission of learned counsel for the appellants is that the appellants are innocent of the alleged offenses. It is submitted that C.W.1 to 6 went to the house of the appellants with an intention to assault them. Upon seeing them, and in order to exercise their right of private defense, the appellants might have used force. However, the entire allegations are otherwise baseless and false. The appellants are in judicial custody and they are the sole earning members of their respective families. They undertake to abide by the conditions to be imposed by this Court in the event of their release on bail. Making



such submissions, the learned counsel for the appellants prays to allow the appeal.

5. *Per contra*, learned HCGP for respondent No.1 – State vehemently submitted that the appellants have committed a heinous offense against persons belonging to a Scheduled Caste. There are six eyewitnesses to the incident. Out of which, one of the witnesses had suffered grievous injuries. Therefore, it is not appropriate to grant the relief as prayed for in this appeal. Making such submissions, the learned HCGP for the respondent No.1 – State prays to dismiss the appeal.

6. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it appears from the record that the appellants are residents of the same village as the complainant. The appellants were residing in a house opposite to the house of C.W.3. It is alleged that these appellants scolded C.W.3 and others by naming their caste. However, the manner in which C.W.1 to 6 approached the appellants would



indicate that they had gone to the house of the appellants to provoke them.

7. Having considered the facts and circumstances of the case, it is appropriate to grant bail by imposing suitable conditions that would take care of the apprehension of the prosecution.

8. In the light of the aforesaid observations, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The order dated 11.03.2026, passed in Spl.S.C.No.41/2026 on the filed of the learned I Addl. District and Sessions Judge, Chikkaballapura is set aside.
- iii) The appellants are ordered to be enlarged on bail in Spl.S.C.No.41/2026, on the filed of the learned I Addl. District and Sessions Judge, Chikkaballapura, for the aforesaid offences, subject to the following conditions:



- a) The appellants shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each with one surety each for the likesum, to the satisfaction of the Trial Court.
- b) The appellants shall appear before the Trial Court on all hearing dates without fail.
- c) The appellants shall not threaten the prosecution witnesses.
- d) The appellants shall not hamper the Court proceedings.
- e) The appellants shall not leave the jurisdiction of the Court, till disposal of the case.
- f) The appellants shall not commit or indulge in any other criminal cases, till disposal of the present case.

In case the appellants violate any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

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