



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 15TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 741 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI. AJMAL AHAMMED
AGED ABOUT 61 YEARS,
S/O LATE ABDUL SATTHAR,
R/AT DOOR NO.5/11,
OPPOSITE COURT,
CHAMARAJANAGAR TOWN,
CHAMARAJANAGAR- 571 313.
2. SRI. MOHAMMED ASIM
S/O MOHAMMED AKBAR,
AGED ABOUT 27 YEARS,
R/AT KP MOHALLA,
2ND CROSS, NEAR HALE
HADEES MASEEDI,
CHAMARAJANAGAR - 571 313.
3. SRI. MOHAMMED SAMEER
S/O SAMEEULLA,



AGED ABOUT 22 YEARS,
R/AT DOOR NO.12/13,
KP MOHALLA, BEHIND
KSRTC BUST STAND,
NEAR PUSHPA BAR,
CHAMARAJANAGAR TOWN,
CHAMARAJANAGAR - 571 313.

4. SRI. MOHAMMED YASIR
S/O SAIF ULLA,
AGED ABOUT 21 YEARS,
R/AT DOOR NO.12/11,
KP MOHALLA, BEHIND
KSRTC BUST STAND,
NEAR PUSHPA BAR,
CHAMARAJANAGAR TOWN,
CHAMARAJANAGAR - 571 313.

5. SRI. MOHAMMED ARFAZ
S/O CHANDPASHA
AGED ABOUT 24 YEARS,
R/AT DOOR KP MOHALLA,
BEHIND KSRTC BUST STAND,
NEAR PUSHPA BAR,
CHAMARAJANAGAR TOWN,
CHAMARAJANAGAR - 571 313.

...APPELLANTS

(BY SRI. K A CHANDRASHEKARA., ADVOCATE)



AND:

1. STATE CHAMRAJANAGARA TOWN PS
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.
2. SRI. ABHI MALLIK
S/O MALLIKARAJUNASWAMY,
AGED 22 YEARS,
R/AT: NO.1,
KARINANJANAPURA MAIN ROAD,
CHAMARAJANAGARA – 571 313.

...RESPONDENTS

(BY SRI. M V ANOOPKUMAR., HCGP
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 R/W SEC.483 OF BNSS, BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ENLARGE THE APPELLANTS ON BAIL IN CR.NO.13/2026 REGISTERED BY CHAMARAJANAGAR TOWN POLICE AGAINST THE APPELLANTS HEREIN FOR OFFENCES PUNISHABLE UNDER SECTIONS.115(2), 126(2), 189(2), 190, 309(4), 351(2) OF BNS READ WITH SECTION 3(1)(r)(s) OF SC/ST - PREVENTION OF ATROCITIES ACT AND



SPL.C.NO.63/2026, PENDING ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE AT CHAMARAJANAGARA.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

This appeal is filed by the appellants who are arrayed as accused Nos.2 to 6 are before this Court seeking regular bail in Cr.No.13/2026 for the offences punishable under Sections 115(2), 126(2), 189(2), 190, 309(4) and 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed by the respondent-Police.

2. The case of the prosecution is that the complainant received a phone call from his college friend namely, Syeda Asfa at about 04.45 p.m. on 24.01.2026 asking him to drop her to her house. The complainant was travelling on his bike along with his friend Syeda Asfa from KSRTC bus stand to Mubarak Mohalla. When the complainant was traveling on the road, 12 to 15 members of the Muslim community aged between 20 to



30 years intercepted the motorbike and started abusing the complainant by asking his caste and used abusive language in a public place and also assaulted the complainant indiscriminately. In the said incident, the complainant had lost one gold chain weighing 25 grams. Thereafter, the complainant was kidnapped by the assailants in order to commit his murder. However, he has managed to escape from their clutches and thereafter, he lodged a complaint before the respondent-Police. Based on the said complaint, the respondent-Police conducted investigation and submitted charge sheet.

3. The submission of the learned counsel for the appellants is that the appellants are residents of Chamarajanagar. Though it is alleged that all these persons have abused by naming his caste, the fact remains that there are omnibus allegations made against all of them in respect of alleged insult and abuse. No specific overtact is attributed against all of them. However, they are in judicial custody since 25.01.2026. They are all the earning members of their respective families. They will abide the conditions to be imposed by this Court in the event of their release on bail.



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

4. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently submitted that the manner in which the incident had occurred would indicate that they had taken the law into their hands and it is just like a mob lynching activities and if it is not regulated properly, there would be a threat to the peaceful society and therefore, it is not appropriate to grant them bail. Making such submissions, learned HCGP prays to reject the appeal.

5. Having heard the learned counsel for the respective parties and also on perusal of the averments of the charge sheet, it would indicate that the complainant was taking his friend Syeda Asfa to her house, who belongs to Muslim community. When she was going along with the complainant, the appellants and others intercepted him and abused him by naming his caste and also assaulted him and caused injuries to him. Though there are several allegations made against the appellants, the fact remains that, all the allegations are appeared to have shown as omnibus in nature and no specific



overt act is attributed against each other. Moreover, the injuries sustained to the complainant appears simple in nature. Having considered the gravity of the offence, it is appropriate to grant them bail by imposing suitable conditions that would take care of the apprehension of the prosecution.

6. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is ***allowed***.
- ii) The impugned order passed by the learned Principal District and Sessions Judge, Chamarajanagara in Spl.C.No.63/2026 dated 03.03.2026 is set aside.
- iii) The appellants are directed to be enlarged on bail in Crime No.13/2026 of Chamarajanagar Town Police Station, registered for the offences punishable under Sections 115(2), 126(2), 189(2), 190, 309(4) and 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, subject to the following conditions:



- a) The appellants shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) each with two sureties each for the likesum, to the satisfaction of the jurisdictional Court.
- b) The appellants shall not threaten the prosecution witnesses.
- c) The appellant shall not tamper with the Court proceedings.
- d) The appellants shall not leave the jurisdiction of the Court till disposal of the case.
- e) The appellants shall appear before the Trial Court on all hearing dates without fail.
- e) The appellants shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

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