



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 03RD DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 738 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SMT CHANDRIKA
AGED ABOUT 38 YEARS,
W/O KRISHNAYYA JOGI,
R/AT 1-142,
ANKADAKATTE,
KOTESHWARA VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT – 576 222.
2. SRI. BHASKAR,
AGED ABOUT 45 YEARS,
S/O KRISHNA.K
R/AT KAMMARDI,
CHAVALAMANE,
CHIKKAMAGALURU
DISTRICT – 577 125.

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signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of
Karnataka

...APPELLANTS

(BY SRI. ASHOK KUMAR SHETTY K., ADVOCATE)

AND:

1. STATE BY
KUNDAPURA POLICE,
KUNDAPURA



REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU – 560 001.

2. SMT. YASHODA
W/O RAVI MARATI,
AGED ABOUT 43 YEARS,
R/AT KALLATE,
76 HALADI VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT – 576 222.

...RESPONDENTS

(BY MS. ASMA KOUSER, ADDL. SPP FOR R1;
R2 SERVED, UNREPRESENTED)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DATED 15/04/2026 IN CRL.MISC.NO.570/2026, PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE, UDUPI, (SITTING AT KUNDAPURA), ENLARGE THE APPELLANT ON ANTICIPATORY BAIL IN THE EVENT OF HER ARREST BY SHIRVA POLICE STATION FOR CRIME.NO.24/2026, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 318(2), 318(4), 336(2), 352, 351(2) READ WITH SECTION.3(5) OF THE BHARATIYA NYAYA SANHITA AND SECTION.3(1)(r)(s), 3(2)(va) OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015.

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 is filed by the appellants / accused Nos.1 and 2, seeking to set aside the order dated 15.04.2026 in Crl.Misc.No.570/2026 passed by the I Additional District and Sessions Judge, Udupi (Sitting at Kundapura) and for grant of anticipatory bail in Crime No.24/2026 of respondent No.1-Police for the offences under Sections 318(2), 318(4), 336(2), 352, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS 2023') and Sections 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'SC & ST Act').

Factual matrix of the case:

2. It is the case of the prosecution that the complainant was running a fancy store at Haladi and she belongs to the Scheduled Tribe. She was induced by the appellants to invest amount with them and thereby she would get double the amount. Believing their words, the complainant is stated to have invested amount of



Rs.3,80,000/- on 11.12.2024. On her investment, she was assured that the bond would be reached to her at the earliest. Again, it is stated that the complainant had invested Rs.17,00,000/- on different occasions; however, she had not received any bonds from the concerned agency. When she went and asked about the bonds, she was threatened by the appellants not only for her life, but also she had been insulted by naming her caste. Hence, she lodged a complaint. Based on the said complaint, the respondent - police have registered a case and conducting the investigation.

3. Heard Sri Ashok Kumar Shetty K., learned counsel for the appellants and Ms. Asma Kouser, learned Addl. Special Public Prosecutor for respondent No.1 – State.
4. It is the submission of the learned counsel for the appellants that the averments of the complaint are baseless and false and they are concocted for the purpose of implicating the appellants in the false case. The appellants are innocent of the alleged offences. The investigation is under progress. They would cooperate



with the investigation in the event of their release on bail. Therefore, it is appropriate to grant bail by imposing suitable conditions. The appellants would abide by the conditions 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 Addl. Special Public Prosecutor for respondent No.1 – State vehemently submitted that the averments of the complaint would indicate the ingredients of the provisions of SC & ST Act. Such being the fact, there is a bar under Section 18 of the SC & ST Act to grant anticipatory bail. Therefore, the appeal may be dismissed as not maintainable. Making such submissions, the learned Addl. Special Public Prosecutor for the respondent No.1 State prays to reject the appeal.
6. Having considered the rival submissions and on perusal of the averments of the complaint, it appears that the averments of the complaint, of course, would indicate that the complainant had been insulted by naming her caste in public and also she had been threatened with



dire consequences. Having considered the gravity and nature of offence, I am of the considered opinion that there is a bar under Section 18 of the SC & ST Act to grant the relief.

7. Hence, I proceed to pass the following:

ORDER

- (i) The appeal is ***disposed of.***
- (ii) The Trial Court is directed to dispose of the bail petition, if the appellants approach for regular bail, on merit.

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