



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**CRIMINAL APPEAL NO. 878 OF 2026**

**BETWEEN:**

1. SMT. YASHODA  
W/O PRAKASH  
AGED ABOUT 48 YEARS,  
RESIDING AT SANTHEPETE  
SIRA TOWN, SIRA - 572 137.  
TUMKURU DISTRICT.
2. SMT. LAKSHMAKKA  
W/O LATE BASAVARAJAPPA,  
AGED ABOUT 64 YEARS,  
R/AT MADANAYAKANAHALLI VILLAGE,  
GOWDAGERE HOBLI,  
SIRA TALUK

...APPELLANTS

(BY SRI. A.N. RADHA KRISHNA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY DEPUTY SUPERINTENDENT OF POLICE,  
SIRA SUB DIVISION, SIRA POLICE,  
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDINGS,  
BENGALURU -560 001
2. SMT DHANALAKSHMI  
W/O LATE SHASHANK S. P.  
AGED ABOUT 20 YEARS,  
R/AT SANTHEPETE,  
SIRA TOWN,  
SIRA - 572 137

...RESPONDENTS

(BY SRI.CHANNAPPA ERAPPA, HCGP



R2-SERVED)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DATED 14/05/2026 PASSED BY THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU, IN CRI. MISC. NO.695/2026, DISMISSING THE CRIMINAL MISCELLANEOUS PETITION FILED UNDER SECTION 482 OF BNSS, 2023, CONSEQUENTLY ALLOW THE APPEAL AND ALLOW THE CRIMINAL MISCELLANEOUS PETITION, ENLARGE THE APPELLANTS ON BAIL, THAT IN THE EVENT OF APPELLANTS BEING ARRESTED IN CRI NO.159/2026, OF SIRA POLICE, FOR OFFENCES PUNISHABLE UNDER SECTIONS 3(1)(W)(r)(S) OF SC/ST (PA) ACT AND UNDER SECTIONS 115(2), 351(2), 352, 85 READ WITH 3(5) OF BNS, 2023, THEY MAY BE ENLARGED ON BAIL, NOW PENDING ON THE FILE OF THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

### **ORAL JUDGMENT**

Accused No.2 and 3 are before this Court seeking anticipatory bail in Crime No.159/2026 for the offence punishable under Sections 3(1)(w), 3(1)(r)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'SC/ST (POA) Act') and Sections 351(2), 115(2), 352, 85 read with Section 3(5) of The Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').



2. The case of the prosecution is that the appellants are the mother and aunt of accused No.1. Four months ago, accused No.1 and the victim got married and started living together at the house of the appellants. It is alleged that the appellants were harassing the victim both physically and mentally, and were demanding dowry from her parents. On 26.03.2026, at about 09:45 p.m., the husband of the victim came home in a drunken state and started quarrelling with the victim by abusing her in filthy language and insulted her by naming her caste. In the meantime, the appellants also started scolding the victim by naming her caste and asked her to renounce her husband.

3. Being aggrieved by the act of the appellants, the mother of the victim lodged a complaint against appellants and her son who is arrayed as accused No.1 in the present case. Investigation is under progress.

4. Submission of the learned counsel for the appellants is that the appellants are innocent of the alleged offences and they have been falsely implicated in this case. In fact, the alleged incident has taken place in the house as per



the averments of the complaint i.e., not within the public view. Therefore, the ingredients of provisions of SC/ST (POA) Act would not be attracted. Appellants are women aged about 48 and 64 years respectively and they are suffering from their old age ailment. In case they are arrested, great hardship would be caused to the appellants. Therefore, they may be enlarged on bail by imposing suitable conditions. They will abide by the conditions that will be imposed by this Court in the event of their release on bail. Making such submission, learned counsel prays to allow the appeal

5. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State vehemently submitted that the appellants have committed heinous offences, even under Section 18-A of SC/ST (POA) Act there is a bar. Therefore, they are not entitled for the relief as prayed for.

6. Similarly, the learned counsel appearing for respondent No.2 adopted the arguments of the learned High Court Government Pleader appearing for respondent No.1-State and submitted that the appeal has to be dismissed.



7. Having heard the learned counsel appearing for the respective parties and on perusal of the averments of the complaint, it would indicate that accused No.1 married the victim four months ago prior to lodging of this complaint. The victim started living with the appellants and her husband. It is urged that she was being insulted and humiliated by the appellants by naming her caste and also by constantly demanded for additional dowry etc. Be that as it may, *prima facie* ingredients of SC/ST (POA) Act would not be attracted. Hence, I am of the considered opinion that the appellants have made out a case for grant of relief.

8. Hence, I proceed to pass the following:

**ORDER**

- i) Criminal Appeal is ***allowed***.
- ii) The order passed by the III Additional District and Sessions Judge, Tumakuru in Crl.Misc.No.695/2026 dated 14.05.2026, is set-aside.
- iii) Appellants/accused No.2 and 3 shall be released on bail in the event of their arrest in Crime No.159/2026 registered by Sira Police Station, Tumakuru on executing a self



bond of Rs.1,00,000/- (Rs. One Lakh Only)  
each with one surety each for like sum.

- iv) Appellants shall not tamper or threaten the prosecution witnesses in any manner.
- v) Appellants shall co-operate with the Investigating Officer till filing of criminal report as and when required.
- vi) Appellants shall appear before the Trial Court on all dates of hearing.
- vii) In case, appellants fail to adhere to the conditions incorporated above, liberty is reserved either to the complainant or prosecution to file necessary application for cancellation of bail.

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

GVP  
List No.: 1 Sl No.: 0