



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 893 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI KANTHARAJU
S/O. MARISWAMY,
AGED ABOUT 54 YEARS,
RESIDING AT NO.430/1,
SILICON SUN CITY LAYOUT
HEELALIGE VILLAGE, CHANDAPURA,
BENGALURU-560081.
2. SMT. YASHODA,
W/O. SUBBANNA,
AGED ABOUT 52 YEARS,
R/O. KADEKAL VILLAGE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT-577203.
3. SMT. NANDINI.S
(IT HAS BEEN WRONGLY SHOWN
AS 'SHOBHA' IN THE COMPLAINT),
W/O.KANTHARAJU,
AGED ABOUT 35 YEARS,
RESIDING AT NO.430/1,
SILICON SUN CITY LAYOUT,
HEELALIGE VILLAGE,
CHANDAPURA,
BENGALURU-560081.

...APPELLANTS

(BY SRI. NAIK VENKATARAMAN NAGAPPA, ADVOCATE)



AND:

1. THE STATE BY TUNGANAGAR POLICE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001.
2. SRI. MANJUNATHA,
S/O. LATE SHIVAPPA,
AGED ABOUT 29 YEARS,
R/O. MARAMMA CALONI,
NIDIGE VILLAGE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT-577222.

...RESPONDENTS

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

THIS CRL.A. IS FILED U/S. 14-(A)(2) OF SC/ST (POA) ACT, 1989 PRAYING TO SET ASIDE THE ORDER DATED 16.05.2026, PASSED IN CRL.MISC.NO.437/2026, BY THE HON'BLE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT SHIVAMOGGA, WHICH IS PRODUCED AS PER ANNEXURE-C AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

The appellants/accused Nos.1 to 3 are before this Court in Crime No.286/2026 registered by the Tunga Nagar Police



Station, Shivamogga for the offences punishable under Sections 189(2), 189(4), 191(2), 352, 351(3), 133, 115(2) read with 190 of BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 are before this Court seeking anticipatory bail.

2. Heard learned counsel for the petitioner and learned HCGP for the respondent-State.

3. The facts of the case are that, the respondent No.2 and others were constructing a house and a shed in a vacant site located at Maramma colony Nidige Village of Shivamogga Taluk and he used to park their Bolero vehicle at the said shed. It is alleged that on 06.04.2026 at about 08.30 p.m., the appellants and others abused respondent No.2 and his brother in filthy language and also insulted them by taking the name of their caste and kicked them with their legs and as a result, the complainant and others sustained injuries. The injured were immediately subjected to medical inspection and thereafter, they lodged a complaint before the Respondent Police. The Respondent Police after registering the case conducted the investigation.



4. Learned counsel for the appellants submitted that the appellant No. 2, who is arraigned as accused No. 2, had lodged a complaint against the respondent No.2 and others on 11.04.2026 in Crime No.249/2026. The matter is pending for consideration. As a token of retaliation, a false complaint came to be registered against the appellants on 25.04.2026 in Crime No.286/2026 before the Tunga Nagara police station. The delay in filing the complaint certainly would affect the case of the prosecution. Moreover, the allegations made in the complaint are baseless and false and it would not attract the prima facie case for the offences punishable under the SC and ST (Prevention of Atrocities) Amendment Act, 2015. Therefore, the appellants may be enlarged on anticipatory bail by imposing suitable conditions and it is submitted that they will abide by the conditions to be imposed in the event of their release on bail. Hence, prays to allow the petition.

5. Per contra, learned HCGP for the respondent-State vehemently contended that the averments made in the complaint prima facie disclose the commission of offences attracting the provisions of the SC and ST (Prevention of



Atrocities) Amendment Act, 2015 and there is a bar under Sections 18 and 18A of the Act, to not to grant the relief of anticipatory bail. Therefore, he prays to dismiss the appeal and to direct the appellants to approach the trial Court for regular bail.

6. On the perusal of the averments made in the complaint, it would indicate that the complainant/victims are the residents of Maramma Colony at Nidige Village of Shivamogga Taluk and District, and they are constructing a house in the site which belongs to them and they used to park their Bolero vehicle near the shed. On 06.04.2026 around 08.30 p.m., the appellants started abusing and assaulting the complainant and his brother and insulted them by naming their caste. During the said incident, complainant and his brother sustained injuries and they were sent to a hospital for treatment. Thereafter, it appears that they lodged a complaint on 25.04.2026. There is an inordinate delay in lodging the complaint. Moreover, it appears that prior to the registration of the present case, a complaint had been lodged by appellant No.2 against respondent No.2 and others in Crime No.249/2026.



7. Having considered the facts and circumstances of the case, it is appropriate to grant relief as required in the appeal.

Hence, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The respondent-Police are directed to release the appellants in the event of their arrest in Crime No.286/2026 registered by the Tunga Nagar Police station for the offences punishable under Sections 189(2), 189(4), 191(2), 352, 351(3), 133, 115(2), 190 of BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015, subject to the following conditions:
 - a. The appellants are enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) each with one surety each for the like sum to the satisfaction of the Investigation Officer.
 - b. The appellants shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.



- c) The appellants shall not tamper with the prosecution witnesses and they shall co-operate with the police for investigation and appear before them whenever called upon.
- d) The appellants shall not involve in similar offences in future.

Sd/-
(S RACHAIAH)
JUDGE

VBS
List No.: 1 SI No.: 26