



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 06TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO.953 OF 2026 (U/S 14(A)(2))

BETWEEN:

1. S. D. LOKESHA,
S/O DYAMANNA,
AGED ABOUT 37 YEARS,
OCC: AGRICULTURIST,
R/O SHESHAPPANAHALLI,
HIRIYURU TALUK,
CHITRADURGA DISTRICT - 577 598.
2. SMT. BHAGYAMMA
@ DHANALAKSHMI E,
W/O LOKESH D,
AGED ABOUT 32 YEARS,
OCC: HOUSEWIFE,
R/O SHESHAPPANAHALLI,
HIRIYURU TALUK,
CHITRADURGA DISTRICT - 577 598.
3. SMT. SAROJAMMA W/O DAYAMAYYA,
AGED ABOUT 57 YEARS,
OCC: HOUSEWIFE,
R/O SHESHAPPANAALLI,
HIRIYURU TALUK,
CHITRADURGA DISTRICT - 577 598.

...APPELLANTS

(BY SRI. P. B. UMESH., ADVOCATE FOR
SRI. RAVINDRA B.DESHPANDE., ADVOCATE)



AND:

1. THE STATE OF KARNATAKA BY
HIRIYUR RURAL POLICE STATION,
HIRIYURU SUB-DIVISION,
CHITRADURGA DISTRICT - 572 143.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.
2. SMT. RANGAMMA
W/O VEERESH,
AGED ABOUT 35 YEARS,
OCC: LABOURER,
R/O MYADANAHOLE VILLAGE,
HIRIYURU TALUK,
CHITRADURGA DISTRICT - 577 511.

...RESPONDENTS

(BY SRI. ANOOPKUMAT M. V., HCGP FOR R1;
R2 – HAND SUMMONS IS SERVED)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET-ASIDE THE ORDER DATED 29-05-2026 IN CRL.MISC.NO.498/2026, PASSED BY THE SPECIAL, II ADDL. DISTRICT & SESSIONS JUDGE, CHITRADURGA CONSEQUENTLY DIRECT THE CONCERNED POLICE OF HIRIYUR RURAL POLICE STATION, HIRIYUR SUB-DIVISION, CHITRADURGA DISTRICT TO ENLARGE THE APPELLANTS/ACCUSED NO.1, 3 AND 4 ON BAIL IN CRIME.NO.176/2026 OF HIRIYUR POLICE STATION, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 352, 115(2), 108 R/W 3(5) BNS-2023 (CORRESPONDING PROVISIONS: SECTION 504, 323, 306 R/W 34 IPC) AND SECTION 3(1)(r)(s), 3(2)(v) OF SC/ST PA ACT 1969, IN THE EVENT OF THEIR ARREST, ETC.,

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



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. The appellants / accused Nos.1, 3 and 4 are before this Court seeking anticipatory bail in Crime No.176/2026 of respondent - Police for the offences punishable under Sections 352, 115(2), 108 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3(1)(r(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST (POA) Act.

Brief facts of the case:

2. A complaint came to be registered by Smt Rangamma w/o Veeresh that her father had called her on 01.05.2026 around 10.30 p.m., and informed her that some unknown persons were coming to beat him. On the following day, at about 8.00 a.m., she received information that her father had committed suicide. She rushed to the spot and saw that her father had committed suicide by hanging. Thereafter, she lodged a complaint. The



respondent - Police have registered a case as UDR and conducted investigation.

3. During investigation, the respondent - Police recorded the statements of the relatives of the deceased. On the basis of the said statements, the facts of the case have been unfolded in such a way that the deceased called Kariyamma w/o Pandappa and informed her that the accused Lokesh, Dyamanna and Bhagyamma have to pay some amount to him. In this regard, he went there and asked them to repay the amount. However, he had been insulted by way of abusing him, not only by his caste, but also by using filthy language. As the deceased was sensitive about the said issue, he became upset. Therefore, he has committed suicide.
4. Heard learned counsel Sri P.B. Umesh for Sri R.B. Deshpande, learned counsel for the appellant and Sri Anoop Kumar M V., learned High Court Government Pleader for respondent No.1. Notice to respondent No.2 is held sufficient.



5. Learned counsel for the appellant submitted that if the entire averments of the complaint do not disclose a prima facie case attracting the ingredients of the provisions of the SC/ST (POA) Act, the bar under Section 18 and 18(A) of the SC/ST (POA) Act would not be applicable. The investigation is under progress. The prosecution has failed to produce any material disclosing the caste particulars of the deceased and the other persons to substantiate the allegation that the appellants insulted the deceased on the basis of his caste.
6. It is further submitted that section 108 of BNS is neither punishable with death nor imprisonment for life. The appellants are earning members of their respective families and they will abide by the conditions to be imposed in the event of their release on bail. Making such submissions, learned counsel for the appellants prays to allow the appeal.
7. *Per contra*, learned High Court Government Pleader for the respondent No.1 - State vehemently submitted that the averments of the complaint clearly indicate that both



the insult and assault had taken place on account of the deceased belonging to the scheduled caste. Therefore, there is a bar under Section 18 and 18(A) of the Act. Hence, the anticipatory bail application cannot be maintainable. Making such submissions, the learned High Court Government Pleader for respondent No.1 prays to reject the appeal.

8. Having heard learned counsel for the respective parties and on going through the averments of the FIR, which would indicate that the deceased had been scolded and insulted by the appellants by naming his caste. However, whether it was made in public view or not is not forthcoming in the said FIR. Moreover, the call detail records of the deceased and Kariamamma w/o Pandappa have not been produced to substantiate the allegation that the deceased was insulted by referring to his caste.
9. Having considered the said aspect and also the punishment prescribed for the offence under Section 108 of the BNS 2023, it is appropriate to grant the relief as prayed for.



10. Hence, I proceed to pass the following:-

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The order dated 29-05-2026 in Criminal Miscellaneous No.498/2026, passed by the Special, II Addl. District & Sessions Judge, Chitradurga, is set aside.
- iii) The appellants are ordered to be enlarged on bail in the event of their arrest in Crime No.176/2026 of respondent No.1 – Police for the offences stated *supra*, on executing their personal bonds for Rs.1,00,000/- (Rupees One Lakh only) each with one surety each to the satisfaction of Investigating Officer.
- iv) The appellants shall appear before the Investigating Officer within one month from the date of receipt of the certified copy of this order to execute the personal bonds and furnish sureties.
- v) The appellants shall co-operate with investigation as and when it is required till filing of the final report.



- vi) The appellants shall not threaten the prosecution witnesses nor hamper the court proceedings.

In case, if 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

NR/Bss
List No.: 1 Sl No.: 26