



CNR: KAHC010575432026

NC: 2026:KHC:48708
CRL.A No. 1411 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1411 OF 2026

BETWEEN:

MR MAHESHA V N
S/O. NAGESHA,
AGED ABOUT 34 YEARS,
R/O VALAGEREHALLI VILLAGE
KASABA HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428

...APPELLANT

(BY SRI. BASAVARAJU P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MADDUR POLICE STATION
AND MADDUR TALUK,
MANDYA DISTRICT
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

2. MR. PRAKASH V.L.
S/O LAKSHMAIAH
AGED ABOUT 35 YEARS
R/O VALAGEREHALLI VILLAGE
KASABA HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1



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VIDE ORDER DATED 08.09.2026,
R2 SERVED AND UNREPRESENTED)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT
PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET
ASIDE THE ORDER DATED 04.08.2026 IN
CRL.MISC.NIO.681/2026 PASSED BY IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE AT MANDYA VIDE ANNEXURE-C AND
ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant / accused No.1 has preferred this
appeal against the order dated 04.08.2026 passed by the
V Additional District and Sessions Judge, Mandya in
Crl.Misc.No.681/2026.

2. I have heard the arguments of the learned
counsel appearing for the appellant as well as the learned
High Court Government Pleader appearing for respondent
No.1 and perused the materials placed before this Court.



3. On the basis of the complaint filed by Sri.Prakash V.L., Maddur Police have registered the case in Crime No.247/2026 against accused No.1/appellant and two others for the commission of offences punishable under Sections 115(2),352,351(2),3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 (for short, 'the BNS, 2023') and Sections 3(1)(r),3(1)(s),3(2)(va) of the SC and ST (Prevention of Atrocities) Amendment Act 2015. The alleged incident took place on 13.06.2026. The complaint came to be filed on 14.07.2026. It is submitted that there is a more than 30 days delay in filing the complaint. It is also submitted that accused No.1 / appellant Sri.Mahesh V.N., had filed a complaint against the present complainant (respondent No.2) Sri.Prakash.V.L., for the commission of offences under Sections 352, 118(1) and 351(2) of the BNS, 2023 and the case was registered in Crime No.205/2026 by Maddur Police. A copy of the FIR and the complaint also filed. It is submitted by the learned counsel appearing for the appellant that Sri.Prakash V.L.,



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who is the accused in Crime No.205/2026 has obtained anticipatory bail on 29.06.2026 from the I Additional District and Sessions Judge, Mandya in Crl.Misc.No.570/2026. The alleged incident pertaining to the present Crime Nos.247/2026 and 205/2026 are arising out of the same scuffle. However, the trial Court has granted bail to Sri.Prakash.V.L. After obtaining the anticipatory bail, after lapse of about 30 days, the present complainant had been lodged the complaint against the appellant / accused No.1 and others at this stage. There is no proper explanation for the inordinate delay in filing the complaint. Considering the conduct of the complainant, at this stage, I am of the opinion that there are no *prima facie* materials to constitute the penal provision under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Other alleged offences are not punishable with death or imprisonment for life and are exclusively triable by the Court of Magistrates.



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4. The alleged incident took place on 13.06.2026. Till this day, the Investigation Officer has not made any efforts to arrest the appellant / accused No.1. Even after lapse of 54 days from the date of registration of the case, the Investigation Officer has not issued notice to the appellant / accused No.1 as required under Section 35 of the BNS, 2023, for the reasons best known to him.

5. Considering the nature and gravity of the offence, the prior antecedents of the appellant / accused No.1 and the facts and circumstances of the case, I proceed to pass the following order:

ORDER

- i. The appeal is ***allowed***;
- ii. The order dated 04.08.2026 passed by the V Additional District and Sessions Judge, Mandya in Crl.Misc.No.681/2026 against the appellant/accused No.1 is set aside on the following conditions:



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- a. The appellant / accused No.1 shall be released on bail on executing a self bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety for the likesum in the event of arrest by the concerned police in Crime No.247/2026 on the file of the V Additional District and Sessions Judge, Mandya;
- b. The appellant / accused No.1 shall cooperate with the Investigation Officer for his investigation.
- c. The appellant / accused No.1 shall not indulge in any similar offence.
- d. The appellant / accused No.1 shall not tamper or threaten the prosecution witnesses in any manner.

Sd/-
(G BASAVARAJA)
JUDGE

CH
List No.: 1 SI No.: 5