



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1522 OF 2026
(U/S 14(A) (2))

BETWEEN:

1. SRI RAMESH REDDY
S/O THIMMARAYAPPA,
AGED ABOUT 67 YEARS
RESIDING AT NO. 153,
MULLUR, CARMELARAM
BANGALORE SOUTH,
BANGALORE 560035
2. SRI. KRISHNA REDDY,
S/O RAMESH .T,
AGED ABOUT 38 YEARS
RESIDING AT SY NO.108/6B,
R.R FARM ROAD, OPP: GRAVEYARD,
KODATHI VILLAGE
BENGALURU 560035
3. SRI. BHARATH REDDY,
S/O RAMESH .T,
AGED ABOUT 33 YEARS
RESIDING AT SITE NOS. 13 AND 14,
RAMAIAH LAYOUT, KODATHI,
VARTHUR, BANGALORE-560087

...APPELLANTS

(BY SRI. SATYANARAYANA S CHALKE, ADVOCATE FOR
SMT. SHARADA C., ADVOCATE)



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

AND:

1. THE STATE OF KARNATAKA
VARTHUR POLICE STATION,
BENGALURU
REPRESENTED BY ITS
PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU
2. SRI.T.S. ARAVIND SAI LOKESH,
S/O T.SIDDAPPA,
AGED ABOUT 23 YEARS,
R/AT MULLUR VILLAGE,
VARTHUR,
BENGALURU -560035

...RESPONDENTS

(BY SRI. K NAGESHWARAPPA, HCGP FOR R1
SRI. LEELARAJU M N., ADVOCATE FOR R2)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO GRANT AN ORDER OF ANTICIPATORY BAIL IN THE EVENT OF PETITIONER/ACCUSED NO.1 TO 3 ARREST FOR THE ALLEGED OFFENCE P/U/S/ 115(2),352,351(2),3(5) OF BNS ACT AND SEC.3(1)(r),3(1)(s) OF SC/ST (POA) ACT 2015 IN CRL.MISC.NO.1756/2026 (CRIME NO.540/2026) OF VARTHUR POLICE STATION WHICH IS PENDING ON THE FILE OF 2nd ADDL DISTRICT AND SESSIONS JUDGE BENGALURU RURAL DISTRICT AT BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

ORAL JUDGMENT

The appellants have preferred this appeal against the order dated 19.08.2026 passed in CrI.Misc.No.1756/2026 by the learned II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru.

2. The brief facts leading to this appeal are that, on the basis of the complaint filed by T.S.Aravind Sai Lokesh, Varthur Police have registered a case in Crime No.540/2026 against accused Nos.1 to 3 for the commission of offences under Section 115(2), 352, 351(2), 3(5) of BNS Act and Section 3(1), (r) 3(1)(s) of SC and ST (Prevention of Atrocities Amendment Act), 2015. The appellants/accused Nos.1 to 3 have filed application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS, 2023') seeking anticipatory bail. The same came to be rejected by the trial Court. Being aggrieved by this order, the appellants have preferred this appeal.



CNR: KAHC010591332026

3. Respondent No.2 appeared before this court through his counsel and filed statement of objections.

4. I heard the arguments of both counsel and Sri J.Nageshwarappa, learned HCGP for respondent No.1.

5. Learned counsel for the appellants would submit that the appellants have not committed any offence as alleged against them. The complaint has been instigated by Sridhar and Om Shankar, who lodged a false complaint against the petitioners by inventing a false story of atrocity with an intention to fix the petitioner in a non-bailable offence intending to illegally extract money and also to grab the valuable property of the petitioners. The complainant in the complaint himself admitted that the dispute arose when the complainant, along with Sridhar and Om Shankar came to the disputed property. Thus, the genesis of the offence is admittedly a property dispute and not an act motivated by the caste of the complainant. The allegations are therefore manifestly attended with



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

malafides and have been made only to wreak vengeance upon the petitioners. It is submitted that there is a civil suit in O.S.No.406/2026 pending on the file of Principal Civil Judge and JMFC, Krishnarajapuram which is filed by Sridhar and his father namely Krishnappa against the petitioners for the relief of permanent injunction in respect of the property bearing Sites No.13 and 14 situated at Kodathi Village, Varthur Hobli, Bengaluru East Taluk on false and unfounded allegations. The petitioners have appeared in the above case and filed their vakalath, though the said Sridhar and Om Shankar are well aware about the pendency of the above case, as such, the question of coming near the disputed properties along with complainant is only to fix the petitioners in a false criminal case. The complainant is an utter stranger to the petitioners and also to the dispute property, wherein the complainant colluding with the said Sridhar and Om Shankar hatched a conspiracy to come near the property of the petitioners and pick up unwanted quarrel,



CNR: KAHC010591332026

so that they can fix the petitioners in a non-bailable offence of SC/ST Atrocity with an intention to knock off the valuable property of the petitioners. There is no eye witness to the alleged incident. The complainant has invented a false story in his complaint at the instigation of the said Sridhar just to fix the petitioners in a false criminal case and put them behind bars and to illegally take the possession of Site Nos.13 and 14 which absolutely belong to the petitioners. Further, it is submitted that the Investigating Officer has issued the notice under Section 35(3) of BNSS, 2023. The appellants have appeared before the Investigating Officer and endorsed on notice that they will co-operate and agree to terms mentioned in the notice. The appellants have also put their signature on the back side of the notice that they will co-operate under the terms of notice. On all these grounds, it is sought to allow this appeal.



CNR: KAHC010591332026

6. Learned counsel for respondent No.2 has reiterated the arguments averred in the statement of objections.

7. I have examined the materials placed before this Court.

8. On the basis of the complaint filed by T.S.Aravind Sai Lokesh, the Varthur Police has registered the case against accused Nos.1 to 3 for the commission of offences under Section 115(2), 352, 351(2), 3(5) of BNS Act and Section 3(1)(r), 3(1)(s) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015 (for short, 'the Act of 2015'). The Investigating Officer has issued the notice under Section 35(3) of the BNSS, 2023 to all the accused. The same was duly served and appellants have appeared before the Investigating Officer and endorsed on the back side of the notice that they will co-operate and agree to the terms mentioned in the notice. The original



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

notices are also produced before this Court. Since there is a civil dispute between the accused and Sridhar in O.S.No.406/2026, At this stage, in view of the decision of the Hon'ble Apex Court in the case of **HITESH VERMA v. STATE OF UTTARAKHAND AND ANOTHER** reported in **(2020) 10 SCC 710**, in the case of **KIRAN VS RAJKUMAR JIVRAJ JAIN AND ANOTHER** reported in **2025 LIVELAW (SC) 869**, on the basis of averments made in the complaint, it is not for just and proper to hold that there are sufficient prima facie material to constitute the alleged commission of offence under the provision of the SC and ST (POA) Amendment Act, 2015.

9. The complaint itself reveals that at the time of alleged incident only Sridhar, Om Shankar, the accused and the victim were present. Admittedly, there is civil dispute between the accused, and Sridhar and Om Shankar. The accused have not abused the victim by referring their caste in the presence the public view except in the presence of Sridhar, Om Shankar, who have filed



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

the suit against these accused. The rest of the offences are bailable in nature and are exclusively triable by the Court of Magistrate. Considering the nature and gravity of offence and appearance of the accused before the Investigating Officer, in response to the notice issued to them under Section 35 of BNSS, 2023, it is just and proper to allow this appeal with conditions. Hence, I proceed to pass the following:

ORDER

- i. Appeal is allowed.
- ii. Orders passed by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru in CrI.Misc No.1756/2026 dated 19.08.2026 is set aside.
- iii. Consequently, the application is filed under 482 of BNSS, 2023 is allowed.



CNR: KAHC010591332026

NC: 2026:KHC:51095
CRL.A No. 1522 of 2026

iv. The appellant/accused Nos.1 to 3 shall be released on bail on executing a self bond of Rs.50,000/- each with one surety each for the likesum, in the event of their arrest in Crime No.540/2026 of Vartur Police Station.

v. Appellants shall assist the Investigating Officer for his investigation.

vi. Appellants shall not tamper or threaten the prosecution witnesses in any manner.

v. Appellants shall not indulge in similar offences.

Sd/-
(G BASAVARAJA)
JUDGE

SSB, KBM