



CNR: KAHC010676952026

NC: 2026:KHC:56167
CRL.A No. 1648 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1648 OF 2026

BETWEEN:

1. MANOHAR R @ MANU,
S/O LATE RAJU,
AGED ABOUT 30 YEARS,
R/AT LIG 315, 13TH CROSS,
AHAMAD NAGARA MOHALLA,
SHARADADEVINAGARA,
MYSURU - 570 022.
2. MANU B,
S/O BHASKAR,
AGED ABOUT 27 YEARS,
R/AT NO.1036, 9TH CROSS,
SUNNADAKERI, K.R.MOHALLA,
MYSURU - 570 004.
3. PREETHAM.R.,
S/O LATE RAJU,
AGED ABOUT 25 YEARS,
R/AT LIG 315, 13TH CROSS,
AHAMAD NAGARA MOHALLA,
SHARADADEVINAGARA,
MYSURU - 570 022.

...APPELLANTS

(BY SRI. K.A. CHANDRASHEKARA., ADVOCATE)



CNR: KAHC010676952026

NC: 2026:KHC:56167
CRL.A No. 1648 of 2026

AND:

1. THE STATE OF KARNATAKA,
BY THE POLICE OF LAXMIPURAM
POLICE STATION,
MYSURU CITY - 570 004,

REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. S.RAMITH THANU,
S/O SOMASHEKAR M,
AGED ABOUT 26 YEARS,
NO.2270, CH-41, 9TH CROSS,
ASHOKAPURAM,
MYSURU CITY - 570 008.

...RESPONDENTS

(BY SRI.K.NAGESHWARAPPA, HCGP FOR R1;
R2 SERVED AND UNREPRESENTED)

THIS CRL.A. IS FILED U/S 14A(2) OF SC AND ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DATED 22.09.2026 PASSED BY THE LEARNED VI ADDL. DISTRICT AND SPL. JUDGE, MYSURU IN CR.NO.22/2026 OF LAKSHMIPURAM POLICE STATION, MYSURU AND GRANT THEM BAIL FOR THE OFFENCE P/U/S 109(1), 118(1), 351(2), 352 AND 3(5) OF BNS 2023 AND 3(1)(r), 3(1)(s) AND 3(2)(V) OF SC AND ST (POA) 1989.

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



CNR: KAHC010676952026

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CORAM: **HON'BLE MR. JUSTICE G BASAVARAJA**

ORAL JUDGMENT

The appellants have preferred this appeal against the order dated 22.09.2026, passed by the learned VI Additional District and Special Judge, Mysuru, (hereinafter referred to as `Trial Court'), in Crime No.22/2026.

2. The appellants have urged the following grounds:

"05.The appellants herein are innocent of commission of Offences alleged and have been lugged in the crime for extraneous reasons with oblique motive.

06. Even if the allegations made against them are accepted In toto there are no reasonable grounds to believe that the appellants herein are guilty of the offences alleged.

07. In his first information, the respondent No 2 has stated that, after purchase liquor, when both the complainant and Chandan came out of the Bar at about 06:25 pm., Manu @Oodi who was standing near the beeda shop beside the bar called Chandan and while talking to him suddenly Manu @ Oodi abused Chandan in filthy language and insulted him by caste saying though noticing him moving without talk. Even accepted but not admit, shows that the accused had no intention to commit any offence, moment on seeing the complainant and Chandan and when they were moving without talking, though noticed, shows that the accused had no any intention to either to make galata etc., This important



CNR: KAHC010676952026

aspect of the case has not been properly appreciated by the Learned Sessions judge and rejected the bail petition filed by the appellants herein, which is liable to be set-aside and appellants to be granted bail.

08. Further, as could be seen from the recitals of the complaint, any of the accused had not expected that either the complainant or Chandan were coming and further, none of the accused had carried any weapon to do away on the life of the complainant or Chandan. Further, the complaint shows that all of a sudden, the Manu @ Oodi who was standing near the beeda shop beside the bar, on noticing the complainant and Chandan they were moving without talking with the accused hence the accused alleged to have abused on caste name and assaulted with ratchet iron rod etc., shows that the alleged incident is not an intentional one and now the recovery has been affected and hence there is no impediment to enlarge these appellants on bail.

09. The life of the injured is out of danger. He is attending his routine works. There is no material collected by the IO., to show that the injuries alleged to have suffered are sufficient in the ordinary course to cause death of a person and therefore the material placed on record is insufficient to attract the offence punishable under section 109 of BNS. Hence the petitioner herein is entitled for the relief as sought for.

10. In so far as the offence under the provisions of SC/ST Act, no material placed by the prosecution to show that, the appellants herein committed the offence under the aforesaid Act and hence the registration of the case for the offence punishable under the provisions of SC/ST(POA) do not attract and hence the appellants herein are entitled for the relief as sought for.

11. Complaint has been obtained by the respondent police to suit their case, which is an omnibus in nature. The allegations are general in nature. The appellants herein were arrested 11/08/2026, since then they are in judicial custody. Presence of the appellants is not required for further investigation if any and their presence is required



CNR: KAHC010676952026

for trial, for which they will offer adequate sureties for their due appearance before the Hon'ble court.

12. The Learned Sessions Judge ought to have allow the petition filed by the appellants herein, since even accepted the case of the prosecution in its entirety no prima facie case is made out for the offences for which case has been submitted against the appellants herein.

13. The order of rejection of bail petition passed by the Hon'ble Sessions judge in the above case is against law, procedure, facts and probabilities of the case.

14. The Learned Special Judge failed to notice that the ingredients of none of the offences for which case was registered are lacking and wrongly came to the conclusion and rejected the bail petition, which is required to be set aside, since no incriminating material is brought on record to connect the appellants with the commission of the alleged offences.

15. The appellants hail from respectable families. No other male members to maintain the huge family. They are a permanent resident at the addresses shown in the cause title. The appellant Nos 1 and 3 are brothers and the appellant No 2 has got a child just aged 3 months.

16. None of the offences for which case has been registered are exclusively punishable with death or imprisonment for life.

17. They will not abscond and will not tamper with the prosecution witnesses and abide by all the conditions that may be imposed in the circumstances of the case."

3. I have heard the arguments of the learned counsel appearing for the appellants, and Sri K.Nageshwarappa, learned HCGP appearing for respondent -State.



CNR: KAHC010676952026

4. Despite service of notice, the respondent No. 2 remained absent and unrepresented.

5. I examined the materials placed before this court. On the basis of the complaint filed by S. Ramith Thanu, Lakshmipuram Police have registered the case in Crime No.22/2026 against accused Nos. 1 to 3 for the commission of offences under Sections 109(1), 351(1), 352, 3(5) of BNS, 2023 and under Section 3(1)(r), 3(1)(s), 3(2)(v) of SC and ST (Prevention of Attrocities) Act, 1989.

6. During the course of investigation, all three accused were arrested on 11.08.2026 and produced before the court. The Trial court has remanded them to judicial custody. Till this day they are in judicial custody. The application was filed under Section 483 of BNSS 2023, and same came to be rejected. Being aggrieved, the present appeal is preferred by the appellants.



CNR: KAHC010676952026

7. The learned counsel for the appellants has produced the discharge summary of the victim Chandan who was discharged on 13.08.2026. It is submitted by the learned counsel for the appellants that Manu B., accused/appellant No.2 belongs to Scheduled Tribe community. Hence, the penal provision of SC/ST (POA) Act, 1999 is not applicable to appellant no.2. The appellants are not required for further investigation. Considering the grounds urged in the bail petition and also considering the nature of injuries caused to the injured, prior antecedents of the appellants, I am of the opinion that, it is just and proper to allow this appeal, subject to conditions. Accordingly, I proceed to pass the following:

ORDER:

- i) The appeal is allowed.
- ii) The impugned order passed by the learned VI Additional District and Special Judge, Mysuru in Crime No. 22/2026 dated 22.09.2026 is set aside. Consequently,



**NC: 2026:KHC:56167
CRL.A No. 1648 of 2026**

CNR: KAHC010676952026

application filed under Section 483 of BNSS, 2023 is allowed.

iii) The appellants/accused no. 1 to 3 shall be released on bail on executing a self bond of Rs.1,00,000/- each with one surety each for the likesum to the satisfaction of the trial Court.

iv) The appellants shall not tamper or threaten the prosecution witnesses in any manner.

v) The appellant shall assist Investigating Officer for his investigation, if it is required.

vi) The appellants shall not indulge in any similar offence.

The Registry is directed to communicate this order to the trial court.

Hand delivery of this order is permitted.

**Sd/-
(G BASAVARAJA)
JUDGE**

HR
List No.: 1 Sl No.: 16