HC-KAR

NC: 2026:KHC:59415
CRL.A No. 425 of 2024

CNR: KAHC010109312024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 425 OF 2024 (U/S 14(A) (2))

BETWEEN:

SRI. KRISHNAMURTHAPPA,
S/O SUBBRAYAPPA,
AGED ABOUT 50 YEARS,
BHOVI COLONY,
PAVAGADA TOWN,
PAVAGADA TALUK,
TUMAKURU DISTRICT-561202.

ADDRESS AS IN THE AADHAAR
SRI. KRISHNA MURTHY,
S/O SUBBARAYAPPA,
KANUMANAKERE,
PAVAGADA TALUK,
TUMKUR-561202.

...APPELLANT

(BY SRI. SUBHASH CHANDRA BOSE, ADVOCATE)

Digitally signed by V MANJUSHA BAI
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA BY SHO OF
   PAVAGADA POLICE STATION,
   REP. BY STATE PUBLIC PROSECUTOR,
   HIGH COURT COMPLEX-01.

2. SRI. ANILA @ ANIL KUMAR,
   S/O GOPALAPPA,
   AGED ABOUT 35 YEARS,
   KURUBARABEEDI,
   PAVAGADA TOWN,
   PAVAGADA TALUK,

TUMKUR DISTRICT-561202.

3. SRI. GIRISH @ GIRISH KUMAR P.V.,
S/O VENKATESHAPPA,
AGED ABOUT 40 YEARS,
R/AT DALAVI BAVI BEEDI,
PAVAGADA RURAL,
PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

4. SRI. NAGA @ NAGARAJA G.,
S/O GOPALAPPA,
AGED ABOUT 30 YEARS,
R/AT KADAMALA CHILUME,
PAVAGADA TOWN,
PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

5. SRI. SURESHA @ G. SURESH,
S/O GOPALAPPA,
AGED ABOUT 42 YEARS,
R/AT OLD BHOVI COLONY,
PAVAGADA RURAL,
PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

6. SRI. MANJU @ MANJUNATHA,
S/O GOPALAPPA,
AGED ABOUT 36 YEARS,
R/O KANUMANAKERE,
PAVAGADA RURAL,
PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

7. SRI. GOPALAPPA,
S/O ANJANAPPA,
AGED ABOUT 60 YEARS,
R/O OLD BHOVI COLONY,
PAVAGADA RURAL,
PAVAGADA TALUK,

TUMKUR DISTRICT-561202.

8. SRI. VEERESHA @ VEERESH,
S/O NAGARAJAPPA,
AGED ABOUT 32 YEARS,
R/AT SHANTHINAGARA,
PAVAGADA TOWN,
PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

9. SRI. DINESHA @ DINESHA D.,
S/O SURESH G.,
AGED ABOUT 18 YEARS,
(16 YEARS AS PER ENRY MADE IN AADHAR CARD)
ARASIKERE ROAD, VTC,
PAVAGADA, PAVAGADA TALUK,
TUMKUR DISTRICT-561202.

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;
SRI. MANJUNATH B.R., ADVOCATE FOR R2)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 1989 PRAYING TO SET ASIDE THE ORDER DATED 16.10.2023, PASSED IN CRL.MISC.NO.1471/2023, BY THE HON'BLE COURT OF III ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU, GRANTING BAIL TO THE RESPONDENTS / ACCUSED NO.2 TO 9, IN CR.NO.228/2023 OF PAVAGADA P.S. AND CONSEQUENTLY CANCEL THE BAIL GRANTED IN CRL.MISC.NO.1471/2023, BY THE HON'BLE COURT OF III ADDL. DISTRICT AND SESSIONS JUDGE, TUMKUR.

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

CNR: KAHC010109312024

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order dated 16.10.2023 in Crl.Misc.No.1471/2023 passed by the III Additional District and Sessions Judge, Tumakuru.

2. The brief facts leading to this appeal are that, on the basis of the complaint filed by one Krishnamurthappa, Pavagada Police have registered a case in Crime No.228/2023 against the accused nos.1 to 8 for the commission of offence under Sections 143, 147, 323, 324, 504, 506, r/w 149 IPC and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The accused/respondents filed an application under Section 438 of Cr.P.C. for grant of anticipatory bail and the same came to be allowed vide order dated 16.10.2023 in Crl.Misc.No.1471/2023 by the Court of III Additional District and Sessions Judge, Tumakuru. Being aggrieved by the said order, the appellant has preferred this appeal.

4. Learned counsel for the appellant would submit that, though there is a bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, the Special Court has granted anticipatory bail which is not sustainable under law.

5. Sri.Manjunath B.R., learned counsel for respondent no.2 would submit that the Special Court has assigned proper reasons for grant of bail. Since there was no prima facie case against the accused for the penal provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, the Special Court has granted anticipatory bail. Absolutely that there are no grounds to interfere with the impugned order passed by the Special Court. Further, he would submit that charge sheet is already filed and case is posted for evidence. No purpose would be served in entertaining this appeal and sought for dismissal of the appeal.

6. I have examined the impugned order passed by the Special Court. The trial Court has assigned proper reasons for grant of anticipatory bail. I do not find any legal or factual error in the order passed by the Special Court. Apart from this,

respondents have already obtained regular bail and the case is pending before Special Court for trial. Viewed from any angle, I do not find any ground to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

The appeal stands ***dismissed***.

Sd/-
(G BASAVARAJA)
JUDGE

PGG
CT:SM
List No.: 1 Sl No.: 8