HC-KAR

NC: 2026:KHC:60622
CRL.A No. 1728 of 2026

CNR: KAHC010702362026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1728 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI. NINGARAJU D @ SWAMY
   S/O DEVARAJU T.K.,
   AGED ABOUT 33 YEARS,
   R/AT 4TH CROSS, V.V. NAGARA,
   MADDUR TOWN,
   MANDYA DISTRICT-571428

…APPELLANT

(BY SRI. VEERANNA G. TIGADI,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
   MADDUR POLICE STATION, MANDYA
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU-560001.

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

2. SRI. ASHWATH R
   S/O RAJU,
   AGED ABOUT 21 YEARS,
   R/AT 1ST CROSS, V.V. NAGAR,
   MADDUR TOWN, MANDYA-571428

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
V/O DATED: 29.10.2026 SRI. N. SRINIVAS, AMICUS CURIAE FOR R2)

CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS

HONBLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 28.09.2026 IN CR.NO.313/2026 ON THE APPLICATION FILED BY THE ACCUSED/APPELLANT UNDER SECTION 483 OF BNSS-2023 PASSED BY THE HON'BLE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant has preferred this appeal against the order dated 28.09.2026 passed in Crime No.313/2026 by the V Addl. District and Sessions Judge, Mandya (for short, 'the trial Court).

2. For the sake of convenience, the parties herein are referred to as per their status before the trial Court.

3. Brief facts leading to this appeal are that, on the basis of the complaint given by one Ashwath R, Maddur Police have registered the case in Crime No.313/2026 against the accused for the commission of alleged offence under Sections 126(2), 352, 351(2), 118(1), 109(1) of the Bharatiya Nyaya Sanhita (BNS),

2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

4. During the course of investigation, the Investigating Officer has arrested the accused on 09.09.2026 and produced him before the Special Court and has been remanded to judicial custody. Till this day, the accused is in judicial custody. Bail application was filed under Section 483 of BNSS, 2023. Same came to be rejected by the Special Court. Being aggrieved by the rejection of application, the appellant has preferred this appeal.

5. It is submitted by the learned counsel for the appellant that, the appellant has not committed any offence as alleged against him. Externment order was passed against the accused/appellant and the appellant had preferred a writ petition challenging the Externment order. Same was disposed of by this Court to conduct

fresh proceedings. On 07.09.2026, accused appeared before the AC for the case proceedings. Since, the order for Externment to consider afresh was taking time, the respondent No.1 Police with a malafide intention, created a false story and implicated the accused. In this background, the wife of accused lodged a complaint against respondent No.1 police on 12.09.2026 before the Human Rights Commission narrating the facts for intentionally implicating her husband. The petitioner/appellant is having one kid and at present, his wife is 07 months pregnant and the petitioner is the sole bread earner of his family. On all these grounds, it is sought for allowing the appeal.

6. I have heard the arguments of the learned HCGP Sri K Nageshwarappa and the Amicus Curiae Sri N Srinivas. Both have submitted that the Special Court has properly appreciated the materials on record and rightly rejected the bail application and accordingly, sought for dismissal of this appeal.

7. I have examined the materials placed before this Court. On the basis of the complaint filed by Ashwath R, Maddur Police have registered the case in Crime No.313/2026 against the accused Swamy for the offences punishable under Sections 126(2), 352, 351(2), 118(1), 109(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

8. In the complaint, it is stated as under:

"ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ಈಗ್ಗೆ ಸುಮಾರು 3 ವರ್ಷಗಳ ಹಿಂದೆ ಮದ್ದೂರು ಟೌನಿನ (ಸ್ವಂತ ವಿಳಾಸ ತೊಪ್ಪನಹಳ್ಳಿ) ಸ್ವಾಮಿ ರವರು ನನಗೆ ಗಲಾಟೆ ವಿಚಾರದಲ್ಲಿ ನನಗೆ ಹೊಡೆದು, ನನ್ನಿಂದ ಒಂದು ಬಿಳಿ ಹಾಳೆಗೆ ಸಹಿ ಪಡೆದುಕೊಂಡು, ನನಗೆ ಹಣ ಕೊಡುವಂತೆ ಹೆದರಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದರು. ಇದೇ ವಿಚಾರವಾಗಿ ಈ ದಿನ ದಿನಾಂಕ:08-09-2026 ರಂದು ಮಧ್ಯಾಹ್ನ ಸುಮಾರು 2-10 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ನಾನು ಮದ್ದೂರು ಟೌನಿನ ವಿ.ವಿ.ನಗರ 4ನೇ ಕ್ರಾಸ್ ನಲ್ಲಿ ನಾನು ಮತ್ತು ನನ್ನ ಸ್ನೇಹಿತ ವೇಲಗಣಿ, ದೀಪು ಮೂರು ಜನರು ಬೈಕಿನಲ್ಲಿ ಹೋಗುತ್ತಿದ್ದಾಗ, ಅದೇ ಸಮಯಕ್ಕೆ ಸ್ವಾಮಿಯು ಕೆಎ.11.ಇಯು.4983 ರ ಬುಲೆಟ್ ಬೈಕಿನಲ್ಲಿ ಬಂದು, ನಮ್ಮ ಬೈಕ್ ಅನ್ನು ಅಡ್ಡಗಟ್ಟಿ ನಿಲ್ಲಿಸಿ, ನನಗೆ ಬೋಳಿ ಮಗನೇ, ಸೂಳೆ ಮಗನೇ, ಹೊಲಿಯ ನನ್ನ ಮಗನೇ, ನನಗೆ ಅಮೌಂಟ್ ಕೊಡು ಇಲ್ಲದಿದ್ದರೆ ನಿನಗೆ ಒಂದು ಗತಿ ಕಾಣಿಸುತ್ತೇನೆಂದು ಬೆದರಿಕೆ ಹಾಕಿದನು. ಆಗ ನಾನು ಅವರಿಗೆ ಏಕೆ ಈಗೆ ಬೈಯುತ್ತಾ ಇದ್ದೀರಾ, ನಾನು ನಿಮಗೆ ಯಾವ ಹಣ ಕೊಡಬೇಕು, ನೀವೇ ನನ್ನನ್ನು ಹೆದರಿಸಿಕೊಂಡು ಯಾವುದೋ ಬಿಳಿ ಹಾಳೆಗೆ ಸಹಿ ಮಾಡಿಸಿಕೊಂಡಿದ್ದಿರಾ ಎಂದು ಹೇಳುತ್ತಿದ್ದಂತೆ, ಸ್ವಾಮಿ ಅವನು ಬೈಕ್ ಕೀ ಕಳೆದುಕೊಂಡು, ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ, ನನ್ನ ಕಪಾಲಕ್ಕೆ ಚುಚ್ಚಲು

ಬಂದನು, ನಾನು ತಪ್ಪಿಸಿಕೊಂಡಿದ್ದರಿಂದ ಬೈಕ್ ಕೀ ನನ್ನ ತುಟಿಗೆ ಚುಚ್ಚಿ ನಂತರ ನನ್ನ ಮುಂದಿನ ಹಲ್ಲು ಮುರಿದು ಕೆಳಗಡೆ ಬಿದ್ದಿರುತ್ತದೆ, ಆಗ ನನ್ನ ಸ್ನೇಹಿತರಾದ ದೀಪು, ವೇಲಗಣಿ ರವರು, ಸ್ವಾಮಿಯಿಂದ ನನ್ನನ್ನು ಬಿಡಿಸಿ ಸಮಾಧಾನ ಮಾಡಿದರು. ಆಗ ಸ್ವಾಮಿಯು ಹೊಲಿಯ ಸೂಳೆ ಮಗನೇ, ನೀನು ಏನಾದರು ಕಂಪ್ಲೇಂಟ್ ಕೊಡಲು ಹೋದರೆ. ನಿನ್ನನ್ನು ಕೊಲೆ ಮಾಡುತ್ತೇನೆ. ನಾನು ಈಗಾಗಲೇ 2-3 ಕೊಲೆ ಮಾಡಿದ್ದೇನೆ. ನಿನ್ನನ್ನು ಮೇಲಕ್ಕೆ ಎತ್ತುವುದು ಹೊಸದೇನು ಅಲ್ಲ. ಯಾವ ಪೊಲೀಸ್ ನವರಿಗೂ ನಾನು ಹೆದರುವುದಿಲ್ಲ. ಅವರೇ ನನಗೆ ಹೆದರಿಕೊಳ್ಳುತ್ತಾರೆ. ಯಾರನ್ನು ಕರೆದುಕೊಂಡು ಬಂದರು ನನ್ನ ಸಾಟಾನು ಕಿತ್ತುಕೊಳ್ಳಲು ಆಗುವುದಿಲ್ಲವೆಂದು, ಬಾಯಿಗೆ ಬಂದಂತೆ ಬೈದು, ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ, ಕೊಲೆ ಬೆದರಿಕೆ ಮಾಡಿ ಅವನ ಬೈಕಿನಲ್ಲಿ ಹೊರಟು ಹೋದನು. ತುಟಿಗೆ ಏಟಗಿದ್ದ ನಾನು ಮದ್ದೂರು ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಪಡೆದುಕೊಂಡು, ಈಗ ಬಂದು ದೂರು ನೀಡಿರುತ್ತೇನೆ.

ನನಗೆ ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ, ಬೈಕ್ ಕೀನಿಂದ ತುಟಿಯ ಮೇಲೆ ಹೊಡೆದು, ಮುಂದಿನ ಹಲ್ಲು ಮುರಿದು ಹಾಕಿ, ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿರುವ ಸ್ವಾಮಿ ಮೆಲೆ ಕಾನೂನು ರೀತಿ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿ ಕೋರಿಕೆ."

9. The accused was arrested on 09.09.2026 and is in Judicial Custody. Accused is not required for custodial interrogation. Considering the nature and gravity of offence and prior antecedents of the appellant, it is just and proper to allow this appeal with conditions. Accordingly, I proceed to pass the following:

O R D E R

(i) Appeal is **allowed**;

(ii) The order dated 28.09.2026 passed in Crime No.313/2026 by the V Addl. District and Sessions

Judge, Mandya, is hereby **set aside**; Consequently, application filed under Section 483 of BNSS is **allowed;**

a) The appellant/accused shall be released on bail on executing a self bond of Rs.1,00,000/- with one surety for likesum to the satisfaction of the Special Court;

b) The appellant/accused shall not tamper or threaten the prosecution witnesses in any manner;

c) The appellant/accused shall not indulge in similar offence.

Registry is directed to communicate this order to the special Court.

The Registry is also directed to pay an amount of Rs.5,000/- to the Amicus Curiae, Sri N Srinivas.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 39