HC-KAR

NC: 2026:KHC:64648
CRL.A No. 1739 of 2026

CNR: KAHC010716282026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1739 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SMT. PUSHPAGOWDA @ PUSHPA
   W/O PRUTHVI RAJ
   AGED ABOUT 38 YEARS
   R/AT NO.70, SUBHABAI BUILDING
   KRISHNAPPA LAYOUT
   MADANAYAKANAHALLI
   BENGALURU-562 123

2. SRI. PRITHVI @ PRITHVI RAJ
   S/O RAJANNA M.M.
   AGED ABOUT 35 YEARS
   R/AT SHIVAKUMAR SWAMIJI ROAD
   MRAMAMMA TEMPLE
   MADANAYAKANAHALLI POST
   DASANAPURA HOBLI
   MADAVARA, BENGALURU-562 123

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LAKSHMINARAYAN N
Location: High Court
of Karnataka

...APPELLANTS

(BY SRI. PRAMOD M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY MADANAYAKANAHALLY P.S.
   REP. BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING

BENGALURU-560 001.

2. SRI. UMESHA
S/O RAMESHA
AGED ABOUT 26 YEARS
R/AT: NEAR MARAMMA TEMPLE
A.K.COLONY, MADANAYAKANAHALLI
DASANAPURA-1, BENGALURU NORTH
BENGALURU-562 162.

…RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1;
SRI. NATARAJU T., 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 PASSED BY II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU IN CRL.MISC.NO.1860/2026 DATED 03.09.2026 BY ALLOWING THE APPEAL FILED BY THE APPELLANTS FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 115(2), 118(1), 351(2), 352 R/W 3(5) OF BNS, 2023 AND SECTION 3(1)(r)(s) OF SC/ST ACT AND DIRECT THE RESPONDENT NO.1(MADANAYAKANAHALLI) POLICE TO RELEASE THE APPELLANTS ON ANTICIPATORY BAIL IN THE EVENT OF ARREST IN CR.NO.741/2026 PENDING ON THE FILE OF ADDL. CIVIL JUDGE (JR.DN.) & JMFC AT NELAMANGALA.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellants have preferred this appeal against the order dated 03.09.2026 in Criminal Miscellaneous No.1860/2026 passed by the 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 one Umesha, Madanayakanahally Police have registered a case in Crime No.741/2026 against accused nos.1 to 4 for the commission of offences under Sections 115(2), 118(1), 351(2), 352, 3(5) of BNS, 2023 and submitted the FIR to the Court. The appellants filed an application under Section 482 of BNSS, 2023 for grant of anticipatory bail. Same came to be rejected. Being aggrieved by this order, the appellants have preferred this appeal.

3. Learned counsel for respondent no.2 has filed his statement of objection along with the discharge summary and photos of the injured.

4. I have heard the arguments of learned counsel Sri.Pramod M., for the appellants and learned HCGP

Sri.K.Nageshwarappa for respondent no.1-State and the learned counsel Sri.Nataraju T. for respondent no.2.

5. Learned counsel for the appellants has submitted his arguments that, the accused have not committed any offence as alleged against the injured. The FIR was not registered against the accused under the penal provisions of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989'). Subsequently, the I.O. has inserted the same. Smt. Nagarathna, mother of appellant no.2 has also lodged a complaint in Crime No.752/2026 against Umesha, who is the complainant in Crime No.741/2026 of Madanayakanahally Police. Till this day, the I.O. has not submitted the charge sheet against the accused. On all these grounds, sought for allowing this appeal.

6. Learned counsel for respondent no.2 would submit that after filing the FIR, with the permission of the Court, the I.O. has inserted the penal provisions under the Act, 1989. Further, he would submit that there are prima facie materials to constitute the alleged offences. To substantiate his arguments,

he has produced the discharge summary of the injured. On these grounds, he sought for dismissal of the appeal.

7. On the basis of the complaint filed by Umesha, Madanayakanahally Police registered a case in Crime No.741/2026 against accused nos.1 to 4 for the commission of offence under Section 115(2), 118(1), 351(2), 352, 3(5) of BNS, 2023. The contents of the FIR reveal that the accused have assaulted the injured with regard to dispute as to the drainage/channel which was situated near the dalaraju. The contents of FIR do not reveal as to the commission of offences of penal provisions of the Act, 1989. However, after filing of FIR, the Sub Inspector of Police, Madanayakanahally Police, has submitted a requisition to the ACJ and JMFC in Nelamangala to insert the offences punishable under Section 3(1)(r)(s) of the Act, 1989 on the basis of the further written statement filed by Umesha. This requisition was submitted on 08.08.2026. In view of Rule 7 of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (for short 'the Rules, 1995'), an offence committed under the Act, 1989 shall be investigated by a Police Officer not below the rank of Deputy Commissioner of Police. In

the case on hand, the Deputy Commissioner of Police has not recorded the further statement of the victim. The delay in recording further written statement of the complainant has not been explained by the prosecution. The alleged offence took place on 06.08.2026. Even after a lapse of more than three months, the I.O. has not submitted the charge sheet against the accused as required under Rule 7(2) of the Rules, 1995. The I.O. has not explained in writing as to the delay in filing the charge sheet as required under Rule 7(2A) of the Rules, 1995. Even after filing this appeal for bail, also I.O. has not taken any steps to secure the presence of the accused for investigation. The I.O. has not issued notice under Section 35 of BNSS, 2023, till this day. Another counter case is also registered against the present complainant Umesha in Crime No.752/2026 for the commission of offences punishable under Sections 118(1) and 352 of BNSS, 2023. Since the I.O. has failed to comply the mandatory provisions of Rule 7 the Rules, 1995, delay in insertion of the penal provisions of the Act, 1989, at this stage, I am of the considered opinion that there are no prima facie

materials against the appellants to constitute the offences under the penal provision of the Act, 1989.

8. With regard to the other offences are concerned, the other offences under the BNS, 2023 are exclusively triable by the Court of Magistrate. Considering the nature and gravity of the offence, antecedent of the appellants and counter case registered against the complainant-Umesha for the commission of offences under Sections 118(1) and 352 of BNSS, 2023 as he has misbehaved with women, I proceed to pass the following:

ORDER

(i) The appeal is ***allowed***;

(ii) The order dated 03.09.2026 in Criminal Miscellaneous No.1860/2026 passed by the II Additional District and Sessions, Bengaluru Rural District, Bengaluru, is hereby set aside;

(iii) Consequently, the application filed under Section 482 of BNSS, 2023 is allowed;

(iv) The appellants shall be released on bail on executing a self bond of Rs.50,000/- each with

one surety for likesum to the satisfaction of the I.O. in the event of their arrest in Crime No.741/2026 of Madanayakanahally Police;

(v) The appellants shall not tamper or threaten the prosecution witnesses in any manner;

(vi) The appellants shall assist I.O. for his investigation;

(vii) The appellants shall not indulge in similar offences.

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

Sd/-
(G BASAVARAJA)
JUDGE

PGG
List No.: 1 Sl No.: 23