HC-KAR

NC: 2026:KHC:64872
CRL.A No. 1736 of 2026

CNR: KAHC010718912026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1736 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI ANANDA M N
   S/O NAGARAJAPPA,
   AGED ABOUT 37 YEARS,
   R/AT MARALENAHALLI VILLAGE,
   KASABA HOBLI, DODDABALLAPURA TALUK,
   BENGALURU RURAL DISTRICT

...APPELLANT

(BY SRI. KUSHAL B S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY DODDABALLAPURA RURAL POLICE STATION
   BENGALURU RURAL DISTRICT
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   BENGALURU RURAL DISTRICT, BENGALURU

2. NARASIMHAIAH
   S/O LATE POOJAPPA,
   AGED ABOUT 50 YEARS,
   R/AT MARALENAHALLI VILLAGE,
   DODDABALLAPURA,
   BENGALURU RURAL DISTRICT.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
SRI. BANNIKATTI DEEPAK, APPOINTED AS AMICUS CURIAE FOR R2.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 08.10.2026 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, IN CRL. MISC. NO. 2076/2026 AND DIRECT THE DODDABALLAPURA RURAL POLICE STATION, BENGALURU RURAL DISTRICT, TO RELEASE THE APPELLANT ON ANTICIPATORY BAIL IN THE EVENT OF ARREST OF THE APPELLANT/ACCUSED IN CRIME NO. 437/2026, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 118(1), 115(2), 351(2), 351(3) AND 352 OF THE BHARATIYA NYAYA SANHITA, 2023, AND SECTIONS 3(1)(r) AND 3(1)(s) OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989.

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 08.10.2026 passed in Crl.Misc.No.2076/2026 by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru (for short, 'the trial Court').

2. Despite service of notice, respondent No.2 remained absent and unrepresented. Hence, learned

counsel Sri Bannikatti Deepak is appointed as Amicus Curiae for respondent No.2.

3. I have heard the arguments on both sides.

4. On the basis of the complaint filed by Narasimhaiah, Doddaballapura Rural Police have registered the case in Crime No.437/2026 against the accused-Ananda for the commission of offences punishable under Sections 118(1), 115(2), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015. The Appellant has filed application under Section 482 of BNSS, 2023 for grant of anticipatory bail. Same came to be rejected by the trial Court. Hence, the appellant has preferred this appeal.

5. The alleged incident took place on 05.09.2026. Complaint came to be filed on 18.09.2026. It is stated in

the FIR that the complainant has discussed with his relatives and filed the complaint after lapse of 13 days. Only on this ground, this Court has granted interim bail as per order dated 16.10.2026 subject to conditions. In the complaint, the complainant has not stated as to the presence of public at the time of commission of offence. Therefore, the judgment of Hon'ble Supreme Court, relied by the learned Amicus Curiae in the case of KIRAN vs. RAJKUMAR JIVRAJ JAIN AND ANOTHER reported in 2025 LIVELAW (SC) 869, is not applicable to the case on hand.

6. It is submitted that the present appellant has filed a complaint against the complainant-Kumbinarasimhaiah as he has made Galata against Ananda by consuming alcohol. The complainant has suppressed this fact before in the complaint. At this stage, there are no *prima facie* materials to constitute the penal provisions of SC/ST (POA) Act, 1989. Though, the case has been registered against the appellant on

18.09.2026, even after lapse of 60 days, the Investigating Officer has not submitted the final report, as required under sub Rule 7(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The Investigating Officer has also not submitted any explanation as to the non-compliance of Rule 7(2) of the SC/ST (POA) Rules, 1995 as required under Rule 7(2A) of the SC/ST (POA) Rules, 1995.

7. It is submitted by the learned counsel for the appellant that notice was issued under Section 35 of BNSS, 2023 and he has appeared before the Investigating Officer and other offences are exclusively triable in the Court of Magistrate. Considering the nature and gravity of offence and conduct of the Investigating Officer as he has not complied the mandatory provisions of the SC/ST (POA) Rules, 1995, I proceed to pass the following:

O R D E R

(i) Appeal is **allowed**.

(ii) The order dated 08.10.2026 passed in Crl.Misc.No.2076/2026 by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru is **set aside;** Consequently application filed under Section 482 of BNSS, 2023 is **allowed** and the appellant shall be released on bail subject to following conditions:

a) Appellant shall execute self bond of Rs.50,000/- for likesum to the satisfaction of the Investigating Officer in the event of his arrest in Crime No.437/2026 of Doddaballapura Rural Police;

b) Appellant shall assist the Investigating Officer for his investigation.

c) Appellant shall not tamper or threaten the prosecution witnesses in any manner.

d) Appellant shall not indulge in any similar offence.

The Registry is directed to pay an amount of Rs.5,000/- to the learned counsel Sri Bannikatti Deepak who is appointed as Amicus Curiae.

The Registry shall communicate this order to the trial Court.

Learned counsel for the appellant has filed a memo for Hand Delivery of the judgment.

Same is accepted.

The Registry is directed to hand over the certified copy of this judgment to the appellant's counsel.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 13