IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1758 OF 2026

BETWEEN:

GOVINDARAJU D G,
S/O GOPALAKRISHNA,
AGED ABOUT 34 YEARS,
R/AT KULUVANAHALLI POST,
DODDERI, HULUVANAHALLI,
BENGALURU RURAL,
PIN - 562 111.

...APPELLANT

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
NELAMANAGALA RURAL POLICE STATION,
BANGALORE RURAL DISTRICT,
BY ITS STATE PUBLIC PROSECUTORS,
HIGH COURT BUILDING
BANGALORE - 01.

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

2. SURESH
S/O LATE DURGAPPA,
AGED ABOUT 40 YEARS,
R/AT DODDERI VILLAGE,
TYAMAGUNDLU,
NELAMANGALA,
BENGALURU DISTRICT,
PIN - 562 111.

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1;
MS. LIKITHA M, APPOINTED AS AMICUS CURIAE FOR R2)

THIS CRL.A IS FILED UNDER SECTION 14(A)(2) OF SC/ST (POA) ACT R/W SECTION 482 OF BNSS ACT PRAYING TO SET ASIDE THE ORDER DATED 07.10.2026 PASSED IN

CRL.MISC.NO.1966/2026 PASSED BY THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, AT BENGALURU AND RELEASE THE APPELLANT ON ANTICIPATORY BAIL FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 74, 118(1), 115(2), 352 OF BNS ACT, THE SCHEDULED CASTS AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES), AMENDMENT ACT, 2015, UNDER SECTIONS 3cl(1)(r)(s), 3(2)(va) OF SC AND ST ACT, IN THEIR CRIME NO.257/2026 OF RESPONDENT NELAMANGALA RURAL POLICE STATION, BENGALURU, PENDING ON THE FILE OF THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, AT BENGALURU, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 12.11.2026 AND COMING ON FOR "PRONOUNCEMENT OF JUDGMENT" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. The appellant has preferred this appeal against the order dated 07.10.2026 passed in Criminal Misc.No.1966/2026 by the II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru (for short, the “Trial Court”).

2. The brief facts leading to this appeal are that, on the basis of the complaint filed by Suresh, S/o late Durgappa, Nelamangala Rural Police have registered the case in Crime No.257/2026 against the accused for the offences punishable under Sections 74, 118(1), 115(2),

352 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, "SC/ST (PoA) Act"), and submitted the FIR to the Court. The appellant has filed application under Section 482 of BNSS, 2023 seeking anticipatory bail. Same came to be dismissed. Being aggrieved by this order, the appellant has preferred this appeal.

3. Despite service of notice, respondent No.2 remained absent and unrepresented. Hence, Ms. Likitha M., Advocate is appointed as Amicus Curiae for respondent No.2. Amicus Curiae has filed written-statement along with medical reports of the injured with photos.

4. The learned counsel appearing on behalf of the appellant would submit that the appellant is innocent. He has not committed any offence as alleged against him. Mere reading of the FIR and complaint would make it very much clear that the alleged incident had taken place on 28.08.2026 at 02:00 p.m. and allegedly, the complainant lodged a complaint on 29.08.2026. There is a delay of

one day in lodging the complaint. The reasons for the delay is not properly explained. Hence, it makes clear that as an after thought, the appellant has been falsely implicated in the case. The proceedings initiated against the appellant is liable to be quashed. Further, it is submitted that the prosecution version itself states that injured was undergoing treatment as an outpatient at Nelamangala Government Hospital and after recording his statement he returned to the police station at about 03:00 pm. However, the prosecution has not furnished any satisfactory explanation as to why the alleged incident of 28.08.2026 was not immediately reported to the police, particularly, when the injured and his wife allegedly knew the identity of the alleged assailant. Further, it is submitted that the alleged assault on the injured and his wife are not supported by specific and consistent particulars in the complaint. The complainant and his wife themselves have been nurturing ill-will against the appellant only for the reason that allegedly the appellant has been making a false propaganda against the wife of

the complainant. But in the entire complaint, nowhere it is mentioned with whom the appellant was making false propaganda.

5. Further, it is submitted that the allegations made in the complaint that allegedly the appellant abused them by saying that they belong to the lower caste and nowhere it is mentioned that the appellant allegedly insulted the complainant by taking his caste name and in the absence of the same, the provisions of SC/ST (POA) Act is not applicable. The complainant, just because he belongs to Scheduled Tribe community, has registered the false complaint and the appellant has not at all committed the alleged offences and he is innocent and is a respectable person in the locality and is a law-abiding citizen. On all these grounds, it is sought for allowing this appeal.

6. Ms. Likitha.M, Amicus Curiae representing respondent No.2 and learned HCGP Sri K.Nageshwarappa appearing for respondent-State, would submit that the appellant has not only physically assaulted Respondent

No.2 and his wife but has also deliberately indulged in spreading false and fabricated information and making defamatory allegations against the wife of Respondent No.2, thereby attempting to assassinate her character and has also has hurled caste based abuses in front of their shop and there are eye-witness to the said incident.

7. Further, it is submitted that on 28.08.2026, the appellant physically assaulted the wife of Respondent No.2 by slapping her. The act of the appellant was deliberate and intentional, and the incident has caused considerable physical pain, mental agony and humiliation to the victim. The appellant has acted in an aggressive and unlawful manner and has subjected the wife of Respondent No.2 to physical, as well as, mental harassment. Further, it is submitted that the appellant has assaulted respondent No.2 with a rod causing bleeding injuries, which is evident from the medical examination and the photos produced.

8. She would further submit that immediately after the incident, Respondent No.2 and his wife approached the jurisdictional police station and requested the police to

take necessary legal action against the appellant. However, the police officials instructed them to first obtain a MLC done from the hospital. Accordingly, the Respondent No.2 and his wife went to the Government Hospital at Nelamangala, wherein both respondent no.2 and his wife underwent medical examination and the MLC was obtained. Thereafter, Respondent No.2 once again approached the jurisdictional police station and waited there until approximately 8.00 p.m., but no effective action was taken.

9. Further, it is submitted that the penal provisions under the SC/ST (PoA) Act, 1989, have also been invoked in the present case. The allegations in the complaint, if read along with the surrounding circumstances and the material collected during investigation, disclose the commission of offences under the said enactment. In view of the statutory bar contemplated under Sections 18 and 18A of the SC/ST (PoA) Act, the appellant is not entitled to seek anticipatory bail where a prima facie case under the provisions of the

said Act is made out. Hence, the maintainability of the present appeal itself is subject to the statutory restrictions imposed under the said Act. On all these grounds, sought for dismissal of this appeal.

10. I have examined the material placed before this Court.

11. On the basis of the complaint filed by Suresh, S/o late Durgappa, Nelamangala Rural Police have registered the case in Crime No.257/2026 against the accused Govindaraju for the offences punishable under Sections 74, 118(1), 115(2), 352 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

12. The brief facts of the complaint are as under:

"ದಿನಾಂಕ: 29.08.2026 ರಂದು ನೆಲಮಂಗಲ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯ ಒಳರೋಗಿಯಾಗಿ ಚಿಕಿತ್ಸೆ ಪಡೆಯುತ್ತಿದ್ದ ಗಾಯಾಳು ಸುರೇಶ್ ಬಿನ್ ಲೇಟ್ ದುರ್ಗಪ್ಪ 40 ವರ್ಷ, ನಾಯಕ ಜನಾಂಗ(ಎಸ್.ಟಿ), ವ್ಯಾಪಾರ, ವಾಸ- ದೊಡ್ಡೇರಿ ಗ್ರಾಮ, ತ್ಯಾಮಗೊಂಡ್ಲು ಹೋಬಳಿ, ನೆಲಮಂಗಲ ತಾಲ್ಲೂಕು. ಸ್ವಂತ ವಿಳಾಸ- ನಾಯಕಹಟ್ಟಿ ಗ್ರಾಮ, ಚಳ್ಳಕೆರೆ ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆರವರ ಹೇಳಿಕೆಯನ್ನು ಮಧ್ಯಾಹ್ನ 1.30

ಗಂಟೆಯಿಂದ 2.30 ಗಂಟೆಯವರೆಗೆ ವೈದ್ಯರ ಸಮಕ್ಷಮ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಂಡು ಠಾಣೆಗೆ ವಾಪಸ್ ಮಧ್ಯಾಹ್ನ 3.00 ಗಂಟೆಗೆ ಬಂದು ಗಾಯಾಳುವಿನ ಹೇಳಿಕೆಯಲ್ಲಿ ನಾನು ಈ ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಶಿವಲಿಂಗಯ್ಯ ರವರ ಬಾಡಿಗೆ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ದೊಡ್ಡೇರಿಯಲ್ಲಿ ಶ್ರೀ ಜ್ಯೂಸ್ ಅಂಡ್ ಕಾಂಡಿಮೆಂಟ್ಸ್ ಅಂಗಡಿಯನ್ನು ಇಟ್ಟುಕೊಂಡು ಜೀವನ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನಾನು ಸುಮಾರು 3 ವರ್ಷಗಳಿಂದ ದೊಡ್ಡೇರಿಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ನನ್ನ ಜೊತೆಯಲ್ಲಿ ನನ್ನ ಹೆಂಡತಿ ನಾಗವೇಣಿ, 35 ವರ್ಷ ರವರಿದ್ದು ನಮಗೆ 14 ವರ್ಷದ ಶರತ ಎಂಬ ಮಗನಿರುತ್ತಾನೆ.

ದಿನಾಂಕ: 28/08/2026 ರಂದು ಮಧ್ಯಾಹ್ನ 02.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ನಾನು ಅಂಗಡಿಯ ಬಳಿ ಇದ್ದಾಗ ಅದೇ ಗ್ರಾಮದ ವಾಸಿಯಾದ ಗೋವಿಂದರಾಜು ಎಂಬುವವರು ನಮ್ಮ ಅಂಗಡಿಯ ಬಳಿ ಬಂದು ನನ್ನನ್ನು ಆಚೆ ಕರೆದು ನಿನ್ನ ಹೆಂಡತಿ ನಾಗವೇಣಿ ಸರಿ ಇಲ್ಲ ಅವಳು ಸೂಳೆಮುಂಡೆ ಎಂದು ನನ್ನ ಮುಂದೆ ಬೈದಾಗ ನಾನು ಏಕೆ ನನ್ನ ಹೆಂಡತಿಯನ್ನು ಬೈಯ್ಯುತ್ತಿಯ ಎಂದು ಕೇಳಿದಾಗ ನನಗೂ ಕೆಟ್ಟ ಪದಗಳಿಂದ ಬೈದು ಗಲಾಟೆ ಮಾಡಿದ ಅಷ್ಟರಲ್ಲಿ ನಮ್ಮ ಅಂಗಡಿಯ ಮೇಲ್ಬಾಗದ ಮನೆಯಲ್ಲಿದ್ದ ನನ್ನ ಹೆಂಡತಿ ಕೆಳಗೆ ಬಂದು ಗೋವಿಂದರಾಜು ನನ್ನ ಏಕೆ ನನ್ನ ಗಂಡನನ್ನು ಬೈಯುತ್ತಿಯ ಎಂದು ಕೇಳಿದ್ದಕ್ಕೆ ಅಲ್ಲಿಯೇ ಅಂಗಡಿಯ ಬಳಿ ಇದ್ದ ಒಂದು ಕಬ್ಬಿಣದ ರಾಡಿಯಿಂದ ನನ್ನ ತಲೆಗೆ ಹೊಡೆದನು ನನ್ನ ಹೆಂಡತಿಯು ಜಗಳ ಬಿಡಿಸಲು ಬಂದಾಗ ಅದೇ ರಾಡಿನಿಂದ ಕೈಯಿಗೆ ಹೊಡೆದನು ಹಾಗೂ ಕೈಗಳಿಂದ ನನ್ನ ಹೆಂಡತಿಯ ಕಪಾಳಕ್ಕೆ ಹೊಡೆದು ಈ ಊರಿನಲ್ಲಿ ನಿಮ್ಮನ್ನು ಇರೋದಕ್ಕೆ ಬಿಡುವುದಿಲ್ಲ ಬೋಳಿ ಮಗನೆ, ಸೂಳೆ ಮುಂಡೆ. ನಿನ್ನ ಅಮ್ಮನ್ ಜಾತಿನ ಕೇಯ ನೀವು ಕೀಳು ಜಾತಿಯವರು ಎಂದು ಬೈದು ನಿಮ್ಮನ್ನು ಕೊಲೆ ಮಾಡದೆ ಬಿಡುವುದಿಲ್ಲ ಎಂದು ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ ಬೈದು ಹೊಡೆದಿರುತ್ತಾನೆ. ಗೋವಿಂದರಾಜು ನಮ್ಮ ಅಂಗಡಿಗೆ ಆಗಾಗ ಬಂದು ಟೀ ಕುಡಿದು ಬಿಸ್ಕೆಟ್ ತಿಂದು ಹೋಗುತ್ತಿದ್ದನು. ಗೋವಿಂದರಾಜು ನನ್ನ ಹೆಂಡತಿಗೆ ಬೈದು ಸೂಳೆ ಮುಂಡೆ ಎಂದು ಹೇಳಿ

ನನ್ನ ಹೆಂಡತಿಯ ಬಗ್ಗೆ ಕೆಟ್ಟದಾಗಿ ಊರಿನ ಜನಗಳ ಹತ್ತಿರ ಅಪಪ್ರಚಾರ ಮಾಡುತ್ತಿದ್ದ. ಈ ವಿಚಾರವಾಗಿ ಗಲಾಟೆ ಆಗಿದ್ದು, ಆದ್ದರಿಂದ ನಾವು ನೆಲಮಂಗಲ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ ನಮ್ಮನೇ ಆಟೋದಲ್ಲಿ ಬಂದು ಚಿಕಿತ್ಸೆಗೆ ದಾಖಲಾಗಿ ಚಿಕಿತ್ಸೆ ಪಡೆಯುತ್ತಿರುತ್ತೇನೆ.

ಆದರಿಂದ ಗೋವಿಂದರಾಜು ಕಬ್ಬಿಣದ ರಾಡಿನಿಂದ ನನಗೆ ಮತ್ತು ನನ್ನ ಹೆಂಡತಿಗೆ ಹೊಡೆದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ಗಲಾಟೆ ಮಾಡಿ ಜಾತಿ ನಿಂದನೆ ಮಾಡಿರುವ ಗೋವಿಂದರಾಜು ರವರ ಮೇಲೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆದುಕೊಂಡು ಈ ದಿನ ತಡವಾಗಿ ನನ್ನ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿರುತ್ತೇನೆಂದು ನೀಡಿದ ಹೇಳಿಕೆಯ ಮೇರೆಗೆ ಠಾಣಾ ಮೊ.ನಂ 257/2026 ಕಲಂ.74, 118(1), 115(2), 352 ಬಿಎನ್‌ಎಸ್ ರೆ/ವಿ 3(1)(r)&(s), 3(2)(va) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill 2015 ರಿತ್ಯ ಪ್ರಕರಣ ದಾಖಲು ಮಾಡಿರುತ್ತೆ."

13. With regard to the penal provision of SC/ST (POA) Act, 2015 is concerned, in the complaint, it is stated that the appellant has abused the victim as "ಬೋಳಿ ಮಗನೆ, ಸೂಳೆ ಮುಂಡೆ. ನಿನ್ನ ಅಮ್ಮನ್ ಜಾತಿನ ಕೇಯ, ನೀವು ಕೀಳು ಜಾತಿಯವರು ಎಂದು ಬೈದು ನಿಮ್ಮನ್ನು ಕೊಲೆ ಮಾಡದೆ ಬಿಡುವುದಿಲ್ಲ ಎಂದು ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ ಬೈದು ಹೊಡೆದಿರುತ್ತಾನೆ."

14. The FIR does not reveal as to the presence of public, at the time of alleged incident. There is a delay in filing the complaint. At this stage, there are no sufficient prima-facie materials to constitute the offence under the penal provisions of SC/ST (POA) Act. Therefore, there is no bar to entertain the bail application under Section 482 of BNSS, 2023.

15. With regard to the other offences are concerned, the injured has taken treatment on 30.08.2026 in BGS MCH Hospital as an outpatient. As regards Intracranial haemorrhage and midline shift/mass effect, is concerned, Department of Radiology in BGS MCH Hospital in Adichunchanagiri University, has shown the same as "Nil". It is also revealed that CT Brain provisional normal. Photos of the injured reveals that he has sustained simple injuries. The FIR does not reveal as to the motive and intention of the accused to commit the alleged offences. The offences punishable under Sections 74, 118(1), 115(2), 352 of BNS, 2023 are exclusively triable by the Court of Magistrate. The alleged incident took place on

28.08.2026. The FIR received on 30.08.2026. Even after lapse of 2 months, the Investigating Officer has not submitted the charge-sheet/final report against the accused as required under sub-Rule (2) of Rule 7 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The Investigating Officer has not submitted any explanation as required under sub-Rule 2A of Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The Investigating Officer has not taken any steps to arrest the accused.

16. Taking into consideration of the nature and gravity of offence, prior antecedents of the appellant, the delay in filing the complaint and non-compliance of mandatory provisions of Rule 7(2) and 7(2A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, I am of the opinion that, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

i. Appeal is allowed.

ii. The order passed by the II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru in Criminal Miscellaneous No.1966/2026 dated 07.10.2026, is set aside.

iii. Consequently, application filed under Section 482 of BNSS, 2023 is allowed.

iv. The appellant/accused shall be released on bail on executing a self bond of Rs.1,00,000/- (Rupees one lakh only) with one surety for likesum, in the event of his arrest in Crime No.257/2026 of Nelamangala Rural Police Station.

v. The appellant/accused shall not tamper or threaten the prosecution witness in any manner.

vi. The appellant/accused shall assist the Investigating Officer for investigation.

vii. The appellant/accused shall not indulge in similar offences.

Registry is directed to pay an amount of Rs.5,000/- to Ms. Likitha.M, Amicus Curiae.

Sd/-
(G BASAVARAJA)
JUDGE

KBM