IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1745 OF 2026

BETWEEN:

JAGADEESHA K B
S/O. BASAVARAJAPPA K. S.
AGED ABOUT 51 YEARS,
R/AT NO.2111/2, 7TH CROSS,
HAMPINAGAR, RPC LAYOUT,
BENGALURU NORTH, VIJAYANAGAR,
BENGALURU-560 040.

...APPELLANT

(BY SRI. RAMAKRISHNA A.V., ADV.)

AND:

1. STATE BY DOBASPETE POLICE STATION,
REPTD. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU-560 001.

2. SMT. SHARADHAMMA,
W/O. KANTHARAJU,
AGED ABOUT 52 YEARS,
R/AT NIDAVANDA COLONY,
BENGALURU DISTRICT-562 111.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
SRI. MANJUNATH NAIK D., ADV. FOR R2.)

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LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 09.10.2026 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE BENGALURU RURAL DISTRICT, BENGALURU IN

CRL. MISC NO.2133/2026 BY ALLOWING THIS APPEAL AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 04.11.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. Appellant has preferred this appeal against the order dated 09.10.2026 passed in Criminal Misc.No.2133 of 2026 by the II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru.

2. The victim has filed written objection.

3. I have heard the arguments on both sides and perused the materials placed before this Court.

4. On the basis of the complaint filed by Respondent No.2-Smt. Sharadhamma, Dobaspete Police have registered case in Crime No.241 of 2026 against one Jagadeesha K.B and five others for commission of offence punishable under Sections 3(1)(r)(s), 3(1)(w)(i) of

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, SC/ST (PoA) Act and under Sections 74, 115(2), 352, 351(2), 190 of BNS, 2023.

5. The appellant filed application under Section 482 of BNSS, 2023 seeking anticipatory bail in the event of his arrest. The same came to be dismissed on 09.10.2026. Being aggrieved by this order, the appellant has preferred this appeal.

6. Sri A.V. Ramakrishna, learned Counsel appearing for the appellant would submit that the order passed by the learned Sessions judge, is contrary to the facts and circumstances of the case. The learned Sessions Judge has grossly erred in holding that in a civil case there is a status-quo on the averment made in the complaint, even though no document is produced by the complainant, and moreover, in the civil suit, there is temporary injunction in favour of the appellant. But, the Court below, ignoring this important aspect, without applying its

judicial mind had mechanically acted, which is highly unsustainable in law.

7. He would further submit that the learned Sessions Judge failed to take note of the fact that the subject property was acquired by KIADB, long back and award was passed and the concerned person claimed the award amount. The complainant, suppressing the previous interim order operating against them, have filed this complaint against the appellant herein. Since there is dispute regarding the property in question, they have filed this complaint against the appellant. Since the dispute is regarding the property in question, committing of offence under penal provisions of SC/ST (PoA) Act, does not arise. On all these grounds, it is sought to allow the appeal. To substantiate his arguments, he has relied on the judgment of Hon'ble Apex Court in the case of HITESH VERMA v. STATE OF UTTARAKHAND AND ANOTHER reported in (2020)10 SCC 710.

8. As against this, Sri Manjunath Naik D., learned counsel appearing for Respondent No.2, would submit that

the appeal filed by the appellant has to be rejected because the appellant has misbehaved with the victim three times in the past three years and have connections with gundas and rowdies in the limits of Dobaspete Police Station and have good relation with the political people. The victim was assaulted by the appellant on 22.09.2026 at about 10 hours, and the victim was informed by her villagers on the same day that some people are working in the disputed land in Survey No.181 and some five people were using cranes and lorry and were fixing stone-angles in the said property. When the complainant enquired them as to why they were doing the work despite the Court has granted status-quo order in OS No.86 of 2026, they all called Jagadeesha to the place of incident, further abused her and her husband in filthy language with reference to her caste and caught hold her, pulled and pushed her, due to which the sleeve of her nightie was torn, and Jagadeesha also assaulted her with hands on her chest and other parts of the body and caused hurt. Because of the appellant, pushing her by holding hands and bangles, they all broke and caused bleeding injury on her hand.

They also posed life threat to her by stating that if she again comes near the land, they will set her on fire. Further, it is stated that there is a dispute between the victim and the KIADB and other parties. The cases pertaining to land in Survey No.181 measuring to an extent of 1 acre 20 guntas out of total extent of 17.24 acres of land situated at Nidavanda is still pending before the Junior Civil Judge and JMFC Court at Nelamangala in OS No.15 of 2024, OS No.86 of 2026 and before Senior Civil Judge and JMFC at Nelamangala in OS No.852 of 2024 and OS No.106 of 2024. On all these grounds, it is sought to dismiss the appeal.

9. Having heard the arguments on both sides and on perusal of records, the following points would arise for my consideration:

1. Whether the appellants have made out grounds to interfere with the impugned order?
2. What order?

10. My answer to the above points are:

Point No.1: in the affirmative;

Point No.2: as per final order.

Regarding Point No.1:

11. I have examined the materials placed before this Court. On the basis of the complaint filed by Respondent No.2, Dobaspete Police Station, registered a case in Crime No.246 Of 2026 against the accused Jagadeesha and five others whose names are not shown. The contents of the first information report reveals that there is an order of status-quo by the Court. Respondent No.2 has not placed any material to show that there is a status-quo of order. The alleged incident took place on 22.09.2026. The appellant has produced copy of the order passed by the II Additional Civil Judge and JMFC, Nelamangala in OS No.15 of 2024 dated 07.02.2025, which reveals that M/s. Pavan Machine Tools and Services, have filed a suit against the defendants Kantaraju and Smt. Devarathna. Kantaraju is the husband of respondent No.2-Sharadamma. The II Additional Civil Judge and JMFC, Nelamangala has granted temporary injunction against the defendants in respect of the suit property in the Sub layout of Somapura, I-Stage Industrial

Area comprised in parts of land in Survey No.181 and 184 within the limits of Niduvanda, Somapura, Hobli, Nelamangala Taluk, Bengaluru Rural District. The copy of lease-cum-sale agreement is also filed by the appellant. The endorsement issued by KIADB reveals that the compensation is paid to Kantaraju, son of Bylappa to the extent of 2.10 acres. Kantaraju and Smt. Devarathna have preferred Criminal Miscellaneous before the II Additional District and Sessions Judge, Bengaluru Rural District, Bangaluru and MA No.4 of 2025 against the order passed by the II Additional Civil Judge on IA No.1, dated 07.02.2025 in OS No.15 of 2024. The certified copy of the order passed by the II Additional Senior Civil Judge and JMFC in MA No.4 of 2025 dated 17.09.2025 is also filed, which reveals that the appeal is dismissed and the order of trial court is confirmed.

12. On perusal of all these materials, it is clear that there is a civil dispute between the parties. In the decision relied upon by the learned Counsel for the applicant in the case of HITESH (supra), the Hon’ble Apex

Court has held that all insult or intimidations to a person will not be offence under the SC/ST (POA) Act,1989 unless such insult or intimidation is only on account of victim belonging to schedule caste or schedule tribe. This the offence under said Act would be made out, when a member of vulnerable of the society is subjected to indignities, humiliation and harassment, because of belonging to that vulnerable section of society. The assertion of title over land by either of parties is not due to either indignities, humiliation or harassment. Every citizen has a right to avail their remedies in accordance with Law.

13. In the case on hand, though the concerned Civil Judge has granted temporary injection, in the FIR, it is stated that the Court has passed the order to maintain status-quo, which prima facie, is not correct. In view of the decision of the Hon'ble Apex Court, since there is a civil dispute between the parties, at this stage, it cannot be said that there are prima-facie case against the accused to attract the offence under the penal provisions of SC/ST (PoA) Act, 1989.

14. With regard to other offences are concerned, the said offences are not punishable with death or imprisonment for life. Section 74 of BNSS, 2023 and Sections 352, 351(2), 190 of BNS, 2023, are exclusively triable by the Court of Magistrate. Though the offences are not punishable with death or imprisonment for life and the punishment is less than seven years, the Investigating Officer has not issued any notice to the appellant under Section 35 of BNSS, 2023. Considering the facts and circumstances of the case and keeping in mind the decision of Hon'ble Apex Court stated supra, I answer Point No.1, in the affirmative.

Regarding Point No.2:

15. For the aforestated reasons and discussions, I proceed to pass the following:

ORDER

i. Appeal is allowed;

ii. Order dated 09.10.2026, passed in Criminal Miscellaneous No.2133 of 2026, by the

II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, is set aside;

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

iv. The appellant shall be released on bail on executing a self-bond of Rs.1,00,000/- (Rupees one lakh only) with one surety for the likesum in the event of his arrest in Crime No.241 of 2026 of Dobaspete Police Station on the following conditions:

a. The appellant shall assist the investigating officer in the investigation;

b. The appellant shall not threaten or tamper the prosecution witnesses in any manner;

c. The appellant shall not indulgence in similar offences.

In view of the civil dispute between the parties, it is made clear that the order passed by this Court will not

affect the rights of the parties and the concerned Civil Court shall not be influenced by this Order and this order is pertaining only for grant of anticipatory bail.

Sd/-
(G BASAVARAJA)
JUDGE

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