HC-KAR

NC: 2026:KHC:65212
CRL.A No. 1804 of 2026

CNR: KAHC010737172026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1804 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI PRAVEEN D
S/O DEVENDRAPPA,
AGED ABOUT 42 YEARS,
OCCUPATION: GROCERY SHOP BUSINESS,
R/AT HIREJAMBURU VILLAGE,
UDUGANI, SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT, PIN-577428

...APPELLANT

(BY SRI. SHRIDHARA K.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SHIRALAKOPPA POLICE STATION,
SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560001.

2. SMT. DEEPA,
W/O LATE ARUN KUMAR,
AGED ABOUT 28 YEARS,
R/AT DASANAPURA VILLAGE,
UDUGANI, SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT, PIN-577428

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
V/O DTD: 20/11/26 SRI. VINAYAKA PANDIT, AMICUS CURIAE FOR R2.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court of
Karnataka

HC-KAR

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CRL.A FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DTD 17.10.2026 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, AT SHIVAMOGGA AND ENLARGE THE PETITIONER ON REGULAR BAIL IN CR.NO.77/2026 ARISING OUT OF CR.NO.273/2026 REGISTERED BY SHIRALAKOPPA P.S., PENDING BEFORE THE ADDL. DISTRICT AND SESSIONS COURT, SHIVAMOGGA DISTRICT, SHIVAMOGGA, FOR THE OFFENCE P/U/S 74 OF BNS, U/S 3(1)(w)(i),3(1)(w)(ii),3(2)(va) OF SC/ST (POA) AMENDMENT ACT, 2015.

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 17.10.2026 passed in Crime No.77/2026 by the II Addl. District and Sessions Judge, Shivamogga (for short, 'the trial Court').

2. Despite service of notice respondent No.2 remained absent and unrepresented. Hence, learned Advocate Sri Vinayaka Pandit is appointed as Amicus Curiae for respondent No.2.

3. I have heard the arguments of learned counsel Sri Shridhara K for the appellant, the learned HCGP Sri Nageshwarappa K for respondent No.1 and Amicus Curiae Sri Vinayaka Pandit, for respondent No.2.

4. I have examined the materials placed before this Court. On the basis of the complaint filed by Smt. Deepa W/o Arunkumar, Shiralakoppa Police have registered the case in Crime No.273/2026 against the accused for the commission of offence under Section 74 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i)(ii) & 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. On 26.09.2026 the accused got arrested and produced before the Court and he has been remanded to judicial custody and till this day, the appellant is in judicial custody. The application was filed under Section 483 of BNSS, 2023. Same came to be rejected by the trial Court. Hence, the appellant has preferred this appeal.

5. The commission of alleged offence is not punishable with death or imprisonment for life. Though, the averments made in the FIR reveal that the accused has committed the outrage of modesty of the victim, in the remand application, it is stated that on enquiry of the accused, he revealed that the complainant and Ramesha & his two children entered into his shop and assaulted him with their hands and also with bucket. The accused is not required for custodial interrogation. Considering the nature and gravity of the offence and prior antecedents of the accused, I proceed to pass the following:

O R D E R

(i) Appeal is **allowed**;

(ii) The dated 17.10.2026 passed in Crime No.77/2026 by the II Addl. District and Sessions Judge, Shivamogga, is **set aside;** Consequently, application filed under Section 483 of BNSS, 2023 is **allowed** and the appellant/accused shall be released on bail subject to following conditions:

a) Appellant shall execute self-bond of Rs.1,00,000/- with one surety for likesum to the satisfaction of the trial Court;

b) Appellant shall not tamper or threaten the prosecution cases in any manner;

c) Appellant shall assist the Investigating Officer for his investigation;

d) Appellant shall not indulge in similar offence.

Registry is directed to send copy of this judgment to the trial Court.

The Registry directed to pay an amount of Rs.5,000/- to the Amicus Curiae, Sri Vinayaka Pandit.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 37