HC-KAR

NC: 2026:KHC:64839
CRL.A No. 1845 of 2026

CNR: KAHC010754262026

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. 1845 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SAMANTH. A. M.
   S/O MALLESHA
   AGED ABOUT 18 YEARS
   R/AT ALPAHALLI VILLAGE,
   CHINAKURALI HOBLI, PANDAVAPURA TALUK
   MANDYA PINCODE NO. 562162

2. H R HEMANTHA @ MINKI
   S/O RAMESHA
   AGED ABOUT 25 YEARS
   R/AT SUBRAMANAYA TEMPLE STREET,
   PANDAVAPURA TOWN,
   MANDYA PIN CODE - 573414

...APPELLANTS

(BY SRI. RAJU C N.,ADVOCATE)

AND:

Digitally signed by LAKSHMINARAYAN N
Location: High Court of Karnataka

1. STATE BY KYATHANAHALLI POLICE
   MANDYA, REPRESENTED BY SPP
   HIGH COURT OF KARNATAKA
   BENGALURU 560009

2. SWAMINATHAN
   SON OF NOT KNOWN MAJOR
   R/AT KAVERIPURA VILLAGE
   CHINAKURALI HOBLI
   MANDYA PINCODE 560047

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP. FOR R1,
V/O DTD: 19.11.2026 SRI. N. SRINIVAS, AMICUS CURIAE FOR R2.)

CNR: KAHC010754262026

CRL.A FILED U/S 14A(2) OF SC AND ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 22.10.2026 PASSED BY THE LEARNED VTH ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA, IN CRIME NO. 128/2026 OF KYATHANAHALLI POLICE STATION, MANDYA, AND ENLARGE THE APPELLANTS ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 118(1), 118(2), 351(2), 352 AND 190 OF THE BHARATIYA NYAYA SANHITA, 2023, READ WITH SECTIONS 3(1)(r), 3(1)(s) AND 3(1)(e) OF THE SC/ST (PREVENTION OF ATROCITIES) AMENDMENT ACT, BY ALLOWING THIS APPEAL.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. Appellants who are accused Nos.1 and 5 have preferred this appeal against the order dated 22.10.2026 passed in Crl.Misc.No.924/2026 by the V Addl. District and Sessions Judge, Mandya (for short, 'the trial Court').

2. Despite service of notice respondent No.2 remained absent and unrepresented. Hence, the learned counsel Sri N. Srinivas is appointed as Amicus Curiae for respondent No.2.

3. I have heard the arguments of the learned counsel for appellants Sri Raju C N, the learned High Court Government Pleader Sri K Nageshwarappa for respondent No.1 and Amicus Curiae Sri N Srinivas, for respondent No.2.

4. On the basis of the complaint filed by Vighnesha, Kyathanahalli Police have registered the case in Crime No.128/2026 against the accused Nos.1 to 12 for the commission of offence under Sections 115(2), 118(1), 351(2), 352 & 190 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

5. The accused Nos.1 and 5 had filed application under Section 482 of BNSS, 2023 for grant of anticipatory bail. Same came to be rejected by the trial Court as per order dated 22.10.2026. Being aggrieved by the said order, appellants have preferred this appeal.

6. It is submitted by the learned HCGP that the charge sheet is already filed against the accused on 06.10.2026 in which the accused Nos.1 and 5 are shown as absconding. Therefore, it is clear that the accused are not required for custodial interrogation. It is submitted that the accused Nos.6 to 10 are already released on bail by the Special Court, as per order dated 24.08.2026. Copy of the order dated 24.08.2026 is also produced.

7. Considering the nature & gravity of offence and prior antecedents of appellants, I proceed to pass the following:

O R D E R

(i) Appeal is **allowed**;

(ii) The order dated 22.10.2026 passed in Crl.Misc.No.924/2026 by the V Addl. District and Sessions Judge, Mandya is **set aside**; Consequently, application filed under Section 482 of BNSS, 2023 is **allowed** and the

appellants/accused Nos.1 and 5, shall be released on bail subject to following conditions:

a) Appellants shall execute self bond of Rs.1,00,000/- each with one surety each for likesum to the satisfaction of the Investigating Officer or the Special Judge i.e., the V Addl. District and Sessions Judge, Mandya;

c) Appellants shall not tamper or threaten the prosecution witnesses in any manner;

d) Appellants shall appear before the trial Court on all the dates of hearing;

e) Appellants shall not indulge in similar offence.

The Registry is directed to pay an amount of Rs.5,000/- to the Amicus Curiae Sri N Srinivas.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 14