

KABI010019242026



**IN THE COURT OF I-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT BALLARI**

DATED THIS THE 8th DAY OF JUNE, 2026

: PRESENT :

Sri. H.A. Mohan, **B.A.L., LL.B.**,
I-Addl. District & Sessions Judge, Ballari

CRIMINAL MISCELLANEOUS No.449/2026

PETITIONERS/Accused Nos.1 to 7 :-

1. Parani Naga Basava Kumar @ Kumar
S/o P. Nageshwara Rao,
Aged about 36 Years.
2. Durga Nagendra Kumar @ Nagendra
S/o G. Ramakrishna,
Aged about 30 Years.
3. A. Srinivas Rao @ Hyderabad Seen
S/o A. Bhupathi Rao,
Aged about 47 Years.
4. Rudrayya
S/o E. Satyanarayana,
Aged about 43 Years.
5. Naga Srikanth @ Kranthi
A/o Krishna M,
Aged about 37 Years.
6. P. Durga Rao @ Durgappa

S/o P. Subbarao,
Aged about 41 Years.

7. K. Venlataraju @ Raju
S/o K. Ramachandra Rao,
Aged about 51 Years.

All are R/o W.No.5, Krishna Nagar Camp,
Yarangali Post, Kurugodu taluk, Ballari
district.

(By Sri. B. Ravindra., Advocate)

//Vs//

RESPONDENTS :-

1. The State by the P.S.I.,
Rural Police Station,
Ballari.
2. G. Kenchappa
S/o Thimmappa,
Aged about 36 Years,
R/o Near Milk Daiary Circle,
Krishna Nagar Camp,
Kolagal village,
Ballari Taluk & District.

(By Public Prosecutor, Ballari)

ORDER

This is a petition filed by the petitioners/Accused
Nos.1 to 7 under Section u/Sec.482 of B.N.S.S., 2023 in
Crime No.122/2026 of Rural police station, Ballari, for the

offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(T), 3(2)(v-a) of SC and the ST (Prevention of Atrocities) Act, 1989 and under Sections 299, 352 and 49 R/w Sec.190 of the Bharatiya Nyaya Sanhita (B.N.S.) 2023, seeking grant of anticipatory bail, in the event of their arrest.

2. It is stated that, the petitioners have not committed the alleged crime. But, they have been falsely implicated in the case. At no point of time, the petitioners have ill-treated the complainant physically or mentally. They have not humiliated or insulted the complainant in the eye of public at any point of time. But, due to some ill-will, a false complaint has been got registered. Now, the police are trying to arrest them and humiliate them before the public.

3. It is further stated that, the alleged offences are not punishable with death or imprisonment for life and they are ready to co-operate to any type of investigation. They are ready to abide by any of the conditions that may be imposed. Accordingly, prayed to allow the petition.

4. In response to notice issued, the victim G. Kenchappa has appeared and filed his written submission/objection, stating that the anticipatory bail shall not be granted in favour of petitioners.

5. This petition is resisted by learned Spl. Public prosecutor by filing the objection. It is stated that, the petitioners have actually insulted the complainant in the eye of public by abusing him by mentioning his caste. They have also insulted name of Dr. B.R. Ambedkar by destroying the name plate. When the complainant questioned the same, the accused have abused him in filthy language and called him in the name of his caste and intentionally insulted him and his caste and thereby they have committed the serious offences. They have not co-operated for investigation and they are in the habit of insulting the people belongs to SC/ST community. Therefore, they are not entitled for anticipatory bail.

6. It is further stated that this Court has no jurisdiction to entertain the anticipatory bail application. Accordingly, prayed to reject the petition.

7. Heard the learned counsel for petitioners and the learned Spl. Public Prosecutor.

8. The following points that arise for my consideration:

1. Whether petitioners have made out grounds for granting anticipatory bail?
2. What order?

9. My answer to the above points are as under:

Point No.1: In the affirmative.

Point No.2: As per final order, for the following ;

REASONS

10. **Point No.1** :- Before going to decide the point as to whether the petitioners are entitled for anticipatory bail or not, it is necessary to give finding as to whether this Court is having jurisdiction to grant anticipatory bail to the

petitioners or not. Section 18 of the SC/ST (PoA) Act, 1989 says that this Court has no jurisdiction to entertain the petition for granting anticipatory bail.

11. As it is rightly contended by learned Special Public Prosecutor, section 18 of SC/ST (Prevention of Atrocities) Act provides that, nothing in section 438 of the court shall apply in relation to any of the case involving the arrest of any person on an accusation of having committed an offence under the said act. Section 18A(2) of SC/ST (Prevention of Atrocities) Act also provides that, provisions of section 438 of Cr.P.C shall not apply to a case under the said act.

12. In the recent decision reported in **2024 SCC online SC 22 (Shajan Skaria Vs. Union of India)**, the Hon'ble Supreme Court of India has discussed the issues regarding whether section 18 of SC/ST (Prevention of Atrocities) Act imposes an absolute bar on the grant of anticipatory bail under section 438 of Cr.P.C and whether merely having knowledge of an individual's status as a

member of scheduled caste or schedule tribe while insulting them constitutes an offence under the act or not.

13. The Hon'ble Supreme Court of India in the aforesaid judgment has held that, if a complaint does not establish a prima facie case under the act, the restriction under section 18 and section 18A(1) of SC/ST (Prevention of Atrocities) Act does not apply. Thus, the court is not precluded from granting the bail to the accused. It is further held that, section 18 of act can only be invoked if a prima facie case is established.

14. In the said decision the Hon'ble Supreme Court of India has clarified that, not all insults or intimidation directed at a SC/ST community member would constitute an offence under the act unless it is done on the ground of her/his caste status. The Hon'ble Supreme Court of India has further observed that, mere knowledge that, the victim is a SC/ST community member is insufficient to attract offence under SC/ST (Prevention of Atrocities) Act. It is further observed that, the offence must have been

committed against the person on the ground that, he/she is member of the SC/ST community.

15. In the aforesaid decision, the Hon'ble Supreme Court of India drew a distinction between insulting an individual belonging to an SC/ST community and insulting an individual because she/he belongs to an SC/ST community. Insulting a person for a particular reason, but not with the intention to humiliate them just because they belong to an SC/ST community, cannot be deemed an offence under the act. On the other hand, if a person humiliates another solely because she/he belongs to SC/ST community, it can be deemed an offence under the act.

16. From the aforesaid Judgment of the Hon'ble Supreme Court of India, it is clear that, there is no bar to this court to entertain the petition filed under section 438 of Cr.P.C or 482 of BNSS, 2023 with respect to commission of offence punishable under SC/ST (Prevention of Atrocities) Act. In order to grant anticipatory bail, it is the

duty of court to ascertain whether the complaint averments prima facie establishes the commission of offences under the SC/ST (Prevention of Atrocities) Act or not.

17. A perusal of the complaint avrements, it is seen that the complainant has not seen the destruction of the name plate of Dr. B.R. Ambedkar by the petitioners/accused persons. According to him, when the petitioners/accused petitioners while taking alcohol at that place he went there and questioned as to why they have destroyed the name plate of Dr. B.R. Ambedkar, the petitioners abused him by calling the name of his caste and insulted him. It is also alleged that about Rs.1000 loss has been caused by destroying the name plate.

18. The averments made in the complaint disclose that, the complainant had a doubt that these petitioners might have destroyed the name plate of Dr. B.R. Ambedkar on 25.4.2026 in between 1:00 A.M. and 6:30 A.M. It is not stated that public were present when the words were uttered and he was intentionally insulted by the

petitioners. According to complaint averments, only two accused persons were present. But, this case has been registered against seven persons. Therefore, there is doubt with regard to manner in which the alleged crime has happened. As per the averments, the alleged incident has taken place at a spur of moment and with intoxication. Therefore, whether there was intention to insult and humiliate the complainant in a public view or not will have to be decided during the course of trial. Of-course, if the alleged crime has really happened, it is serious crime against SC/ST community people and it is against the spirit of law. But, the complaint averments do not, at this stage disclose that the alleged crime was happened in public view. Therefore, this Court can entertain anticipatory, in view of the law laid down by the Hon'ble Supreme Court in the aforesaid Judgment.

19. It is to be noted that, there is no assault on the complainant. The other alleged offences are bailable in nature. As per the report of I.O., the major portion of the investigation has been completed and he is required to

collect caste certificate of accused/petitioners. Further, there was dispute with regard to installation of name plate. Considering all these facts and circumstances and having regard to law laid down by the Hon'ble Supreme Court, I hold that by imposing some stringent conditions, the petitioners may be enlarged on anticipatory bail. Accordingly, I answer the above point in the Affirmative.

20. **Point No.2** :- In the result, I proceed to pass the following :

ORDER

The petition filed by the petitioners/Accused Nos.1 to 7 under Section 482 of B.N.S.S. 2023, is hereby allowed.

The respondent police are directed to enlarge the petitioners on bail, in the event of their arrest, pertaining to Crime No.122/2026 of Rural P.S., on their executing personal bond for Rs.1,00,000/- each and one surety for like sum, on the following conditions :

1. The petitioners shall surrender before the jurisdictional police within 10 days from the date of this order to assist the police for

conducting investigation, in accordance with law.

2. The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses.

3. The petitioners shall not indulge in any type of criminal activities.

4. The petitioners shall give their attendance before the concerned/jurisdictional police, once in 15 days preferably on Saturday in between 10.00 A.M. to 5.00 P.M., from the date of this order for a period of two months or till filing of the final report.

5. The petitioners shall not flee away from justice.

(Dictated to the Stenographer Grade-I, transcribed & computerized by him, script corrected and then pronounced by me in the Open Court on 8th day of June, 2026)

(H.A. MOHAN)

I Additional Sessions Judge,
Ballari.

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