

KABI010022232026



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

**DATED THIS THE 19<sup>th</sup> DAY OF JUNE, 2026**

**: PRESENT :**

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

**CRIMINAL MISCELLANEOUS No.521/2026**

**PETITIONERS/Accused Nos.1 to 16 :-**

1. Ravi Kumar  
S/o Rajashekar,  
Aged about 32 Years.
2. Rakesh  
S/o Mallikarjuna.  
Aged about 26 Years.
3. Ayyappa  
S/o Yeriswamy,  
Aged about 40 Years.
4. Prathap Reddy  
S/o Chandrashekar,  
Aged about 27 Years.
5. Kumarswamy  
S/o Mallikarjuna,  
Aged about 31 Years.

- 6.** Hanumantha Gouda  
S/o Hanumanagouda,  
Aged about 70 Years.
- 7.** Hema Reddy  
S/o Chandrashekar,  
Aged about 32 Years.
- 8.** Mahesha  
S/o Siddappa,  
Aged about 40 Years.
- 9.** Yerriswamy @ U. Erriswamy  
S/o Linganna,  
Aged about 65 Years.
- 10.** Rajashekar  
S/o Linganna,  
Aged about 50 Years.
- 11.** Linga Reddy  
S/o Yerriswamy,  
Aged about 42 Years.
- 12.** Chandrashekar  
S/o Hanumanthagouda,  
Aged about 50 Years.
- 13.** Smt. Maheshwari  
W/o Lingareddy,  
Aged about 35 Years.
- 14.** Smt. Lalithamma  
W/o Mallikarjuna,  
Aged about 45 Years.
- 15.** Smt. Suhasini  
W/o Hampannagouda,  
Aged about 35 Years.

**16.** Smt. Channamma  
W/o Yerriswamy,  
Aged about 65 Years.

All are R/o Yathinabudihal Village, Ballari  
Taluk and District.

**(By Sri. C. Mallikarjuna Reddy.,  
Advocate)**

**//Vs//**

**RESPONDENTS :-**

The State by the P.S.I.,  
Rural Police Station,  
Ballari.

**(By Spl. Public Prosecutor, Ballari)**

**ORDER**

The Accused Nos.1 to 16 in Crime No.136/2026 of Rural police station, Ballari, have filed this petition under Section u/Sec.482 of B.N.S.S., 2023, seeking grant of anticipatory bail, in the event of their arrest, registered for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of SC and the ST (Prevention of Atrocities) Act, 1989 and under Sections 115(2), 189(2), 191(2), 351(2),

352, 74 and 76 R/w Sec.190 of the Bharatiya Nyaya Sanhita (B.N.S.) 2023,

2. It is stated that, the petitioner No.1 is the son of petitioner No.10, the petitioner Nos.2 and 5 are the children of petitioner No.14, the petitioner Nos.3 and 11 are the children of petitioner Nos.9 and 16, the petitioner Nos.4 and 7 are the children of petitioner No.12, the petitioner No.13 is the wife of petitioner No.11, the petitioner No.12 is the son of petitioner No.6, the petitioner Nos.8 and 15 are the children of one Siddappa and all are residing at Yethinabudihal.

3. It is stated that, the petitioners have not at all committed the alleged offences, but a false complaint has been filed after causing delay and by creating a false story just to see that the petitioners are arrested and remanded to judicial custody. Acts attributed do not coming under the provisions of SC/ST (PoA) Act.

4. It is further stated that, there is civil litigation pending between the parties in OS No.113/2025, but in

order to give trouble to the petitioners, a false complaint has been filed.

5. It is further stated that, the petitioners are law abiding citizens, having deep roots in the society and they are owning movable and immovable properties. 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. They have serious threat of arrest. Accordingly, prayed to allow the petition.

6. In response to notice issued, the victim has appeared and submitted her letter to reject the bail petition.

7. This petition is resisted by learned Spl. Public prosecutor by filing the objection. It is stated that, the petitioners have actually involved in the crime. They have abused the complainant and her family members with reference to their caste and also assaulted and given life-threat. They are powerful persons in the locality and

hence, they are not entitled to seek anticipatory bail. Moreover, this petition is not maintainable because, there is bar to entertain the petition. Accordingly, prayed to reject the petition.

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

9. The following points that arise for my consideration:

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

2. What order?

10. 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**

11. **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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. In addition to that, the learned counsel for petitioners has also relied upon the latest Judgment in *Shajan Skaria vs The State of Kerala & Anr.* In this Judgment also, the Hon'ble Supreme Court, after discussing about the previous judgments, has held that if the ingredients of Section 3(1) of SC/ST (PoA) Act do not attract to any case, there is no bar to entertain the anticipatory bail application.

19. In the light of above said Judgment, I have perused the case papers. As per the complaint, the alleged incident was taken place at about 7:10 A.M., on 12.5.2026, but the complaint was lodged at 7:30 P.M., on the same day. Even as per the complaint averments, there are no injuries. A panchayat was convened in connection with civil dispute. During that period, it is alleged that these

petitioners and others have abused the complainant and her family members with reference to their caste and they also tried to outrage the modesty. The alleged incident was taken place near temple. Hence, it is a public place. But, even though there was no impediment to lodge a complaint immediately, but after lapse of about 11 hours, this complaint was lodged.

20. It is to be noted that, meeting was convened in connection with civil dispute for redressal. Therefore, there was ill-will between two groups. It appears, the civil dispute has been tried to convert as criminal dispute. It appears, there was no clear intention and intentional intention to abuse the complainant and others with reference to their caste in public view. Therefore, it is doubtful case and the facts are required to be proved during the course of trial.

21. There are women and children and all are family members and they are permanent residents. The alleged offences are not punishable with death or

imprisonment for life. No injuries have been caused. Therefore, I am of the opinion that, it is case for entertaining anticipatory bail application. Hence, 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.

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

**ORDER**

The petition filed by the petitioners/Accused Nos.1 to 16 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.136/2026 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 19<sup>th</sup> day of June, 2026)

**(H.A. MOHAN)**

I Additional Sessions Judge,  
Ballari.

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