

**IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS
JUDGE & SPECIAL JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Dated this the 18th day of March 2026

Present: Shri.K.Guruprasad, B.A., LL.B,
II Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Crl.Misc.293/2026

- PETITIONER:** 1. Srikanth Dodla,
S/o. Dodla Raghupathi Naidu,
Aged about 47 years,
2. Rekha Vulava,
W/o. Srikanth Dodla,
Aged about 46 years,
Both are residing at
No. 2489, 14th B Cross,
25th Main Road,
HSR Layout,
Sector 1,
Bangalore South,
Bangalore – 560 102.
3. Nelin Babu Yarlagadda,
S/o. Veerulla Yarlagadda,
Aged about 36 years,
R/at No. 4/99-1,
Near NTR Statue,
Arthamuru,
Krishna District,
Andra Pradesh – 521 369.

[Reptd.by–Sri.C.D,- Adv)

-Vs-

- RESPONDENT:** 1. State by Avalahalli PS
[Reptd. by Public Prosecutor]

2. V.V. Prathap,
S/o. Venkatasamappa,
Aged about 39 years,
Vagata village and Post,
Jadigenahalli Hobli,
Bangalore – 562 114.

[Reptd.by–Sri.M.C.K,- Adv)

ORDERS ON BAIL PETITION

The present petition is filed u/s 482 of BNSS requesting the court for grant of anticipatory bail in the event of arrest of petitioners/ accused No. 2, 3 and 6 in Cr.No.51/2026 of Avalahalli police station.

2. The brief facts of the prosecution case are that the respondent No.2 belongs to Adi-Karnataka (SC) community. In around July 2024 the accused persons illegally trespassed onto land bearing Survey No. 26/1 (Old Survey No. 26), Kurudu Sonnenahalli, Bidarahalli Hobli, Bengaluru belonging to respondent No.2 and his brothers, who are members of the Adi Karnataka (SC) community. The accused marked boundaries and began unauthorized construction on the respondent No.2's ancestral property without permission. When confronted, the accused abused him in filthy language and humiliated his caste. The accused used their financial and political influence to threaten the respondent No.2 with dire consequences if they attempted to stop the construction. Thereafter on 05.02.2026 at 2.35 p.m, respondent No.2 lodged complaint in Crime No. 51/2026.

3. After issuance of court notice, respondent No.2 has appeared before the court through counsel and has filed objections to the bail petition. The Learned SPP has also filed objections to the bail petition.

4. The counsel for respondent No.2 filed written arguments. Heard counsel for the petitioners, counsel for respondent No.2 and learned SPP. Perused the bail petition, objections, written arguments and court records.

5. The following points arise for my consideration and determination:-

1. Whether there are sufficient grounds to grant anticipatory bail to the petitioners/accused No.2, 3 and 6 in Cr.No.51/2026 of Avalahalli police station?
2. What order?
6. My answers to the above points are as under:-
 - Point No.1 - In the Affirmative,
 - Point No.2 - As per final order
for the following

REASONS

7. **Point No.1:** The counsel for petitioners has submitted that the petitioners have been falsely implicated in the case by the respondent police and they are innocent of the offences alleged against them. The complaint shows much lack of sufficient materials and is drafted after much thought and conspiracy. The FIR is a product of concocted story only to harass the petitioners. A bare reading of the complaint

clearly shows that the respondent No.2 has converted the civil proceedings into criminal proceedings in order to harass and coerce the petitioners. The FIR is bald and non specific as to the date and nature of the abuse cast upon the informant and his family members. It is further submitted that the petitioner No.1 to 3 are reputed persons and eking out their living doing business without any stigma or blemish. The petitioners have the responsibility of taking care of their aged parents and small children. The offences are neither punishable with death or life imprisonment for life. The petitioners undertake to abide any of the conditions that may be imposed by this court. The petitioners undertake not to tamper or hamper with any of the prosecution evidence. The petitioners undertake to offer surety to the satisfaction of this court. The petitioners have permanent residence and deep roots in the society. Hence, petitioners have requested to grant anticipatory bail.

8. On the other hand, learned SPP opposed the bail petition and submitted that there are no sufficient grounds for grant of anticipatory bail in favour of the petitioners and as such, the petitioners are not entitled for anticipatory bail. It is further submitted that there is legal bar u/s 18 and 18A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to grant anticipatory bail in favour of petitioners. It is further submitted that if the petitioners are released on anticipatory bail, the petitioners may abscond and tamper with the witnesses and destroy the evidence. It is further submitted that if the petitioners are released on

anticipatory bail, they may repeat the offences and may abscond and remain absent before the court on the court hearings. Therefore, learned SPP prayed to reject the bail petition.

9. Counsel for respondent No.2 filed objections contending that the petitioners grabbed the ancestral agricultural land by using muscle, political and financial power knowing that the respondent No.2 and his family members belong to economically weaker section. The offences are serious in nature and affect public order and confidence in the justice system. Granting bail would trivialize the seriousness of the offences. The investigation is at crucial stage. Custodial interrogation of the accused persons is necessary to recover incriminating documents. The accused is influential in the locality and has already attempted to threaten the respondent No.2. Bail would embolden the accused to tamper/ destroy the evidence and obstruct investigation. The bail would send a wrong signal and erode confidence in the justice system may lead to public losing faith and confidence on judiciary. The petitioners are not entitled for anticipatory bail for the offences committed. Hence the respondent No.2 requested to reject the bail petition. In this regard, respondent No.2 has relied upon decisions of Supreme Court in Kiran V/s Rajkumar Jeevaraj Jain and another, State of MP V/s Ram Krishna Batothia, State of MP V/s Pradeep Sharama and Pakar Ram V/s State of Rajasthan.

10. In **2021(1) SCC 733 between Rohan Jalal V/s State of Kerala and another**, wherein the Hon'ble Supreme Court has held that:

“25. Thus, even in the context of legislation, such as the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, where a bar is interposed by the provisions of Section 18 and sub-section (2) of Section 18-A on the application of Section 438 Cr.P.C., this court has held that the bar will not apply where the complaint does not make out “a prima facie case” for the applicability of the provisions of the Act. A statutory exclusion of the right to access remedies for bail is construed strictly, for a purpose. Excluding access to bail as a remedy, impinges upon human liberty. Hence, the decision in Chauhan’s held that the exclusion will not be attracted where the complaint does not prima facie indicate a case attracting the applicability of the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

11. If facts and circumstances of this case and materials on record are considered in light of above principles of law, it is clear that no prima facie case is made out in the complaint averments against the present petitioners. It is because, the specific date on which alleged trespass and humiliation of caste of respondent No.2 took place is not disclosed in the complaint. There is also

inordinate delay of more than 18 months in lodging complaint, which is not satisfactorily explained by respondent No.2 at this stage. Moreover, it is clear from judgment in O.S. No. 152/2008 that the civil court has already held in O.S. No. 152/2008 that the father of respondent No.2 had already sold his rights in Sy.No. 26 and the said sale deed is valid and children of Papaiah are not entitled to any partition in Sy.No. 26. It is also clear from the order dated 26.06.2025 in O.S. No. 213/2025 that the said partition suit filed by the respondent No.2 and others has been stayed by Civil Court under Section 10 of CPC till disposal of RFA No. 1569/2016 arising out of judgment in O.S. No. 152/2008. Therefore, decisions of Supreme Court in Kiran V/s Rajkumar Jeevaraj Jain and another, State of MP V/s Ram Krishna Batothia, State of MP V/s Pradeep Sharama and Pakar Ram V/s State of Rajasthan are not helpful to the respondent No.2 at this stage. Consequently, there is no legal hurdle or bar for grant of anticipatory bail under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 against the petitioners.

12. Further, the offences alleged against the petitioners are not punishable with death or life imprisonment. The investigation is substantially over. The arrest and detention of the petitioners are not required in facts and circumstances of the case. The petitioners are permanent residents of addresses mentioned in cause title of the bail petition and as such, there is no chance of petitioners fleeing the justice. Apprehension of prosecution or

respondent No.2 can be addressed by imposing suitable conditions on the petitioners while releasing them on anticipatory bail. Therefore, there are sufficient grounds for grant of anticipatory bail in favour of petitioners in this case. Hence, I answer point No.1 in the affirmative.

13. **POINT No.2:** In view of my finding on point No.1, I proceed to pass the following order:

ORDER

The bail petition is allowed.

In the event of their arrest in Cr.No.51/2026 of Avalahalli police station registered for the offence punishable under Section 329(1), 324(1), 351 and under Section 3(1)(r) (s), 3(1)(g)(f) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the petitioners/ accused No.2, 3 and 6 are directed to be released on bail subject to following conditions:

- a. The petitioners shall execute personal bond for a sum of Rs.50,000/- each and offer a surety;
- b. They shall co-operate with the investigation and shall not tamper with the prosecution case;
- c. They shall not commit similar offence.
- d. They shall surrender before the Investigation Officer within 15 days from today and on such surrender they shall be released on bail.
- e. They shall mark their attendance once in fortnight between 10.00 a.m. and 5.00 p.m.

before the I.O. for a period of 2 months or till filing of final report whichever is earlier.

- f. They shall regularly attend the court hearings except just exception.

(Dictated to the Stenographer directly on the system, typed by her, thereof corrected by me and then pronounced on this the 18th day of March 2026).

(K.GURUPRASAD)
II Addl. Dist. & Sessions Judge,
Bengaluru Rural District, Bengaluru

**Pronounced in the open court vide separate
ORDER**

The bail petition is allowed.

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