

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

Dated this the 25th day of March 2026

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

Crl.Misc.479/2026

- PETITIONER:** 1. Girisha.M.K,
S/o. Kullegowda,
Aged about 35 years,
2. Prathibha.R,
W/o. Girisha.M.K,
Aged about 37 years,
- Both are residing at
No. 42, Ground Floor,
Kousthubham,
4th Cross, Sainagar 1st Phase,
Near Sambharam College,
Ambhabhavani Temple Road,
Vidyaranyaपुरa,
Bengaluru – 560 097.

[Reptd.by–Sri.M.S.N,- Adv)

-Vs-

- RESPONDENT:** 1. State by Rajanakunte PS
[Reptd. by Public Prosecutor]
2. Santhanasaraj,
Aged about 51 years,
S/o. Muttuveeran,
R/at No. 153,
Ganesha Temple Main Road,
Kuvempu Nagar,
Jalahalli, Bengaluru.

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. 1 and 2 in Cr.No.49/2026 of Rajanakunte police station.

2. The brief facts of the prosecution case are that the respondent No.2 is a building contractor belonging to the Adi Karnataka community. The dispute arises from a construction agreement made in 2025 for a property in Mylappanahalli village. The total contract value was Rs. 34,00,000/-. The respondent No.2 completed work worth approximately Rs. 30,00,000/-, but the accused has only paid Rs. 23,00,000/-, leaving a significant balance. On 04.02.2026, the accused ordered the respondent No.2 to stop work and barred him from the site. During this and subsequent interactions, the accused humiliated the caste of respondent No.2 and put life threat to him. On 24.02.2026, when the respondent No.2 visited the site to collect his tools, the accused abused respondent No.2 in filthy language and humiliated his caste, stating he would have to "wash the house" because the respondent No.2 had stepped inside. Thereafter, on 24.02.2026 at 7.30 p.m, respondent No.2 lodged complaint in Crime No. 49/2026.

3. After issuance of court notice, respondent No.2 has appeared before the court but has not filed objections to the bail petition. The Learned SPP has filed objections to the bail petition.

4. Heard counsel for the petitioners and learned SPP. Perused the bail petition, objections 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.1 and 2 in Cr.No.49/2026 of Rajanakunte 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 are completely innocent of the alleged offences. The entire allegations made against the petitioners are false and baseless without documentary proof. The petitioner No.1 lodged a complaint against the respondent No.2 before the respondent No.1 police, who have not filed FIR against the respondent No.2 but issued NCR No. 143/2026 on 14.02.2026 but the respondent police foisted the contents of the FIR against these petitioners. It is further submitted that on 24.02.2026 the respondent No.2 came to the petitioners' residence with goonda elements and also came to the construction site and abused the petitioners and demanded illegal money from the petitioners and hence the

petitioner No.2 went to respondent police station to lodge complaint against the respondent No.2. On the very same day at 8.30 p.m, the respondent No.1 police registered the FIR against the respondent No.2 in Crime No. 50/2026. It is further submitted that the petitioners are having family members and old age parents and they are depending upon the petitioners. The petitioners have no criminal records. It is further submitted that the respondent No.2 and his brother have taken money from the petitioners and when the petitioners requested and demanded to return the same, the respondent No.2 filed the false complaint against the petitioners. It is further submitted that the petitioners hail from respectable family having old aged parents. The petitioners are permanent residents of the address mentioned in the cause title and as such, they will not flee from the hands of justice. The petitioners undertake that they will not tamper the investigation and undertake to appear before the court on all the hearing dates. The petitioners are ready to abide by all the conditions imposed by this court and are ready to furnish surety as directed by this court. 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. *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.

10. 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, it is not clear whether any member of the public (not merely friend or relative of respondent No.2) was present at the time of alleged humiliation of caste (**vide Hithesh Verma V/s State of Uttarakhand**). In other words, it is not clear whether the caste of respondent No.2 was humiliated in public view. Further, though there is allegation of cheating against the petitioners, it is not alleged in the complaint averments that the petitioners had such intention to cheat right from the beginning of the transaction between respondent No.2 and petitioners. In fact, the dispute between the petitioners and respondent No.2 is mainly financial in nature. Moreover, there is case and counter case between the parties. 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.

11. 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 petitioner No.2 is

woman. The petitioners are permanent residents of address mentioned in cause title of the bail petition and as such, there is no chance of petitioners fleeing the justice. Apprehension of prosecution can be addressed by imposing stringent conditions such as cash security etc 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.

12. **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.49/2026 of Rajanakunte police station registered for the offence punishable under Section 318(4), 351(2) of BNS and under Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the petitioners/ accused No.1 and 2 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 25th day of March 2026).

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

Pronounced in the open court vide separate

ORDER

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