

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

Dated this the 4th day of April 2026

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

Crl.Misc.543/2026

- PETITIONERS:1.** Ramaiah.K,
S/o. late S. Kempaiah,
Aged about 67 years,
R/at No. 6, 1st main Road,
Near Govt. School,
Byatarayanapura,
Mysore Road,
Government Electric Factory,
Bangalore – 560 026.
2. Thimmaiah @ Karethimmaiah.A,
C/o. Arethimmaiah.K,
Aged about 66 years,
R/at No. 244/189,
Near Bajana Mandira,
Sripathihalli, Kalya,
Magadi District,
Ramanagara- 562 120.
- [Reptd.by–Sri.Adinarayanappa,- Adv)
-Vs-

- RESPONDENT: 1.** State by Kumbalagodu PS
[Reptd. by Public Prosecutor]
2. Yogesh.V,
S/o. Late Venkatesh,
Aged about 30 years,
R/at No. 280,
Bheemanakuppe Cross,
Benachakallu, Kengeri Hobli,
Bengaluru – 560 074.
- [Reptd.by–Sri.D.C.M.,- 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.1 and 2 in Cr.No. 58/2026 of Kumbalagodu police station for the offences punishable under Sections 108 r/w 3(5) BNS and Sections 3(1)(r)(s) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. The brief facts of the prosecution case are that the respondent No.2 is labourer and deceased Venkatesh is father of the respondent No.2 and they belong to Adi-Karnataka (SC) community. On 08.03.2026, between 10.00 am and 8.40 pm at Sy.No. 101, Shanthivana Farm House, Maligondanahalli village, Bengaluru, the deceased who worked as a security guard at Shanthivana Farm House, was found dead by hanging from a guava tree on the farm property. The respondent No.2 alleges that the accused No.1 and 2 who are farm owners, harassed the deceased over his work performance, abused him in filthy language and humiliated his caste. In fact, on 08.03.2026 at 9.00 am before going to work, the deceased disclosed this harassment and insults to his wife Smt. Jayamma. The respondent No.2 states that these insults and the humiliation regarding caste of the deceased led to his suicide. The accused No.1 belongs to Vokkaliga community while accused No.2 belongs to schedule caste. Hence, on 08.03.2026 at 10.30 p.m, respondent No.2 lodged complaint in Crime No. 58/2026.

3. After issuance of court notice, respondent No.2 has appeared before the court through counsel 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 accused No. 1 and 2 / petitioners in Cr.No.58/2026 of Kumbalagodu police station?

2. What order?

6. My answers to the above points are as under:-

Point No.1 - In the Negative

Point No.2 - As per final order

for the following

REASONS

7. **Point No.1:** The counsel for petitioners has submitted that the respondent police have falsely lodged the case against the innocent petitioners and falsely implicated them in the said case. There is a family dispute between the complainant and the deceased and the deceased was suffering from various health issues. Moreover he is drunkard and also he went to deep depression and committed suicide. There are 20 owners to the said Shanthivana Farm House but the present petitioners have

been falsely implicated in the above case as the petitioners visited the said Farm House since 15 to 20 days back and recently they have not visited to the said Farm house. There is no contact between the petitioners and the deceased from past several days. The deceased has not wrote any death note. It is further submitted that the petitioners are residing in the address mentioned in the cause title but at no point of time, the petitioners have threatened the deceased. The complainant has filed this complaint just to harass and to give mental torture in the hands of the respondent police. The complaint is bald and does not reflect any attributes towards these petitioners. It is further submitted that if the petitioners are not enlarged on bail, their entire career may ruin. The alleged offence is not exclusively punishable with life or death. The petitioners comes from the respectful family. The petitioners are law abiding citizens and abide by the terms and conditions imposed by this court. The petitioners are ready to offer surety for the like sum satisfaction of this Hon'ble court for their regular appearance before the court and Investigation Officer. 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 prima facie case is made out in the complaint averments against the present petitioners. It is because, it is prima facie clear from complaint averments that the deceased Venkatesh died due to harassment and humiliation of caste at work place by his employers i.e., petitioners. In fact, the deceased had disclosed this fact of harassment and humiliation of caste to his wife Smt. Jayamma just prior to his suicide. There is nothing in the complaint averments at this stage to suggest that there is no proximity between the act of the accused persons and death of the deceased. No doubt, the accused No.2 belongs to schedule caste and as such, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 are not applicable as against him. However, the offence of abetment of suicide alleged against him is equally heinous offence. Further, there is legal hurdle or bar for grant of anticipatory bail under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 against the petitioner No.1.

11. Further, investigation is still in progress and if the accused persons are released on bail at this stage, they may tamper with the evidence and may threaten the prosecution witnesses including respondent No.2 and her

mother Smt. Jayamma and thereby adversely effect the investigation. If the accused persons are released at this stage, they may abscond and may not be available for investigation. Therefore, there are no sufficient grounds for grant of anticipatory bail in favour of petitioners in this case till filing of charge sheet. Hence, I answer point No.1 in the Negative.

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 rejected.

(Dictated to the Stenographer directly on the system, typed by her, thereof corrected by me and then pronounced on this the 4th day of April 2026).

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

Orders Pronounced In Open Court Vide
separate detailed order
ORDER

The bail petition is rejected.

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