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Presented on :24.03.2026
Registered on :25.03.2026
Decided on :11.06.2026
Duration :2 Months
16 days.

**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU**

Dated this the 11th day of June, 2026

:PRESENT:

Shri. Mohammed Mujeer Ulla C.G.,
B.A. LL.B,
II Additional District and Sessions Judge,
Bengaluru Rural District, Bengaluru.

Criminal Miscellaneous No.606/2026

Petitioners : Girish.B.S,
S/o. Siddagangappa,
Aged about 40 years,
R/at No. 4, Government School
Road,
Byandahalli,
Kadabagere,
Bengaluru - 562 130.

(Repted. by Sri. Kantharaj.S.T, Adv.)

Vs.

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Respondent : 1. The State through
Madanayakanahalli Police Station
(Represented by the learned
Special Public Prosecutor)

2. Venkataramanaiah,
S/o. late Thimmarasappa,
Aged about 64 years,
R/at Byandahalli village,
Dasanapura Hobli,
Bengaluru North Taluk,
Bengaluru.

ORDER

Petitioner gA filed the instant petition U/Sec.482 of
BNSS 2023 seeking anticipatory bail in case of his arrest
in connection with Crime No.233/2026 of
Madanayakanahalli Police Station for the offences
punishable U/Sec.118(1), 352 of BNS and Section 3(1)(r)
(s) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act 1989 (SC/ST (PA) Act, 1989).

2. The learned Special Public Prosecutor has filed objections.

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3. After service of notice, the respondent 2 appeared before the court and submitted that bail may be given to the petitioner.
4. Heard the arguments on both side and perused record.
5. The following Points would arise for consideration:
 1. Whether the petitioner is entitle for anticipatory bail?
 2. What order?
6. My findings on the above points are as under:
 - Point No.1: In the Negative,
 - Point No.2. As per final orderFor the following;

REASONS

7. **Point No.1:-** A perusal of FIR would show that, it was registered on the basis of written complaint / information dated 04.03.2026 alleged to have been given by the complainant Sri. Venkataramanaiah. In the complaint, it is stated that, his wife Lakshmi Devi is the former

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member of Grama Panchayath. Therefore the villagers approach her for advice and redressal. On the request of one Lakshamma, the resident of Byadarahalli, the complainant provided water tap connection to her residence. In spite of taking water connection, she was not getting water. She informed the same to the complainant. Therefore, on 03.03.2026, Lakshamma called the accused/ petitioner, the water man and enquired him regarding not supplying water to her tap. The petitioner/ accused refused to give water to her tap and stated that let she take water by opening his inner wear. When said Lakshamma informed the said fact to the complainant, he called the petitioner and enquired him. At that time, the accused / petitioner abused him in filthy language as 'ನೀನ್ಯಾವನೋ ಬೋಳಿ ಮಗನೆ ಕೇಳಲು, ಹೊಲೆಯ ನನ್ನ ಮಗನೆ, ನಿನ್ನ ಅಮ್ಮನಾಕೇಯ'. Thereafter at about 5.30 pm, the complainant went to the garden of the petitioner and enquired him. The petitioner once again abused him and assaulted him and made attempt

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to assault him with iron pipe. The complainant escaped from the said assault. At that time, the accused / petitioner threw iron pipe towards him which strikes to his face causing injury. Therefore, petitioner/ accused committed the offences punishable U/Sec.118(1), 352 of BNS and Section 3(1)(r)(s) of (SC/ST (PA) Act, 1989).

8. In the FIR, the petitioner is shown as accused. Apprehending arrest in the said case, he filed the instant petition seeking anticipatory bail.

9. **Grounds of Bail:**

- a. Petitioner is innocent of the alleged offences.
- b. the alleged incident said to have been taken place on 03.03.2026 and the complaint came to be lodged on 04.03.2026 and thus there is a delay in lodging the complaint.

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- c. The petitioner is earning member of the family having aged parents to look after. If he arrested, then, his family members will be put to great hardship and sufferings. The offences are not punishable with death or imprisonment for life.
10. In the case of ***Prathvi Raj Chauhan***, reported in **AIR 2020 SUPREME COURT 1036** the Hon'ble Supreme Court of India in para-10 has opined as under

“Concerning the applicability of provisions of section 438 Code of Criminal Procedure, it shall not apply to the cases under SC/ST Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (I) shall not apply. We have clarified this aspect while deciding the review petitions”.

11. In the complaint, the complainant / informant has specifically stated that, he belongs to schedule caste

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whereas the petitioner is not belonging to either schedule caste or schedule tribe. The petitioner did not dispute the said contention.

12. In the complaint/ information, the complainant / informant has specifically stated that the petitioner/accused with an intention to insult him, abused in filthy language as 'ನೀನ್ಯಾವನೋ ಬೋಳಿ ಮಗನೆ ಕೇಳಲು, ಹೊಲೆಯ ನನ್ನ ಮಗನೆ, ನಿನ್ನ ಅಮ್ಮನಾಕೇಯ'. The incident was alleged to have been occurred in Byndahalli which was under public view. Therefore, the recitals of the complaint would fulfill the ingredients of Sec.3(1)(r) & 3(1)(s) of SC/ST (PA) Act, 1989. Therefore, Sec.18 & 18(A) of SC/ST (PA) Act, 1989 would apply to the case on hand and thus, the instant petition for anticipatory bail is not maintainable.

13. In the case of **Arnesh Kumar Vs. State of Bihar** reported **in (2014) 8 SCC 273**, the Hon'ble Supreme Court of India has given Guidelines which the police have

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to follow while arresting a person. As per the said Guidelines, there is no necessity for the Investigating Officer to arrest the accused, in a case for an offence punishable less than 7 years. Before arresting the accused notice U/Sec.41(A) of Code of Criminal Procedure which is paramateria to Section 35 of BNSS is to be given. After service of notice, if the accused/ petitioner appear and cooperate with the investigation and the seizure of iron pipe alleged to have been used to assault the respondent No.2, the complainant, there is no necessity to arrest him, otherwise the Investigating Officer is at liberty to take the petitioner to custody.

14. ***The Hon'ble High Court of Madhya Pradesh at Gwalior in Criminal Appeal No.3921/2022 dated 05.05.2022 (Deshraj Vs. The State of Madhya Pradesh & Anr) and the Hon'ble High Court of Chhattisgarh, Bilaspur in Criminal Appeal***

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No.450/2022 dated 06.05.2022 (Pankaj Singh Vs. The State of Chhattisgarh and Ors) have held that, the Guidelines given by the Hon'ble Supreme Court of India in the case of **Arnesh Kumar** would also apply to a case registered for the offences under SC/ST (PA) Act, 1989. In the case of **Pankaj Singh** cited supra, the Hon'ble High Court of Chhattisgarh has directed the Directorate of Police, Chhattisgarh to give directions to the Police of the State to follow the Guidelines given by the Hon'ble Supreme Court of India, in the case of **Arnesh Kumar** in all Criminal Cases including the cases registered under SC/ST (PA) Act, 1989. When such is the position of law, having regard to the offences alleged against the petitioner which are punishable for imprisonment less than 7 years, I am of the opinion that, the Investigating Officer cannot arrest the petitioner without following the Guidelines given by the Hon'ble Supreme Court of India in the case of **Arnesh Kumar**. With the above observation, the Court is of the opinion

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that, having regard to the recitals of the complaint, bar U/ Sec.18 & 18(A) of SC/ST (PA) Act, 1989 would apply to the case on hand. Therefore, the instant petition for anticipatory bail is not maintainable and it is liable to be dismissed. In view of the above, I answer point No.1 in the negative.

15. **Point No.2:** For the reasons stated above, I pass the following:

ORDER

The petition filed by the petitioner/accused under section 482 of BNSS is dismissed.

Office is directed to send the copy of order to the Dy.S.P/ SHO of Madanayakanahalli police station.

(Dictated to the Stenographer, transcribed and typed by her, the same is corrected by me and then pronounced in the open Court on this the 11th day of June, 2026).

(Mohammed Mujeer Ulla C.G.)
II Addl. Dist. & Sessions Judge,
Bengaluru Rural District.
Bengaluru.