



**IN THE COURT OF I ADDITIONAL SESSIONS
AND SPECIAL JUDGE AT CHIKKAMAGALURU**

Dated this the 11th day of March, 2026

PRESENT

SMT. BHANUMATHI. B.C., B.A.L., LL.B.,
I Addl. Sessions and Special Judge
Chikkamagaluru

Crl.Misc.No.123/2026

Petitioners:

1. Mani K.,
S/o Munirathnam K.,
Aged about 46 years,
R/at No.283, 5th main road,
Lakshmidevi Nagara,
Opp: Mysore clinic,
Bengaluru North,
Bengaluru-560096.
2. Shivanna,
S/o Mudlappa,
Aged about 25 years,
R/at Yaradakatte village and post,
Sira Taluk,
Tumkur District-572115.

(Represented by Sri.PPR, Adv)

-Vs-

Respondents:

1. State by Aldur police
2. Srinivasa @ Sridhara,
S/o late S.Mayanna,
Aged about 36 years,
R/at Sirigere village,



Shivamogga Taluk & District.

(Both are represented by
Special Public Prosecutor,
Chikkamagaluru)

ORDER

The petitioners, who are arraigned as accused No.1 and 2 in Crime No.30/2026 on the file of Aldur police station have filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred as 'BNSS' for the sake of brevity) seeking bail in the event of their arrest in said case registered against them for the offences punishable under sections 318(1), 352, 351(2) and 324(4) of Bharatiya Nyaya Sanhita 2023 (hereinafter referred as 'BNS' for the sake of brevity) and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred as 'SC & ST (POA) Act' for the sake of brevity).

2. By reproducing and denying the allegations made in the FIR, it is stated by the petitioners that they are innocent and not committed any of the offences alleged against them, but a false case has been foisted against them. It is stated that they are permanently residing at the address shown in the cause title having deep roots in the society and as such there is no chance of their abscondance if let on bail. By registering the case against them, the respondent police are trying to arrest the petitioners and therefore in anticipation of their arrest, they have come up with this petition seeking anticipatory bail. The petitioners are ready to co-operate with the investigation and to abide by the



terms and conditions that may be imposed by the court for granting bail to them. Inter-alia on these grounds, the petitioners sought for allowing the petition.

3. The learned Public Prosecutor has resisted above petition by filing statement of objections with report of investigating officer. By reproducing the allegations made in the FIR, it is contended by the prosecution that the material collected during investigation prima facie establishes the involvement of petitioners in the crime in question. The petitioners are politically and economically influential and if at this stage, they are released on bail, they may intimidate, threaten and influence the prosecution witnesses and they may also flee from investigation and hamper the same and they may also involve themselves in the commission of similar offences. Inter-alia, on these grounds, the Public Prosecutor sought for rejecting the petition.

4. The presence of informant, who is arraigned as respondent No.2 has been secured and he opposed granting bail to the petitioners.

5. Heard both sides and perused record.

6. The points that arise for the consideration of this court are:

- (1) Whether petitioners, who are arraigned as accused No.1 and 2 in Crime No.30/2026 on the file of Aldur police station have made out any ground to avail anticipatory bail in the said case?



(2) What order ?

7. The 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

8. **Point No.1:-** I have carefully perused the entire material placed on record. This court is conscious of the fact that the court cannot and is not supposed to sift the evidence made available on record by the prosecution at the time of deciding bail petition. However, only for the purpose of deciding whether the petitioner is entitled for bail or not, I proceed to discuss the facts alleged by the prosecution and whatever I say while disposing this bail application cannot be construed as an expression of opinion on the merits of the main case.

9. It is seen from the record that on 13.02.2026, the respondent police registered case in Crime No.30/2026 on the basis of complaint lodged by one Srinivas i.e., the respondent No.2 herein against the accused for the offences punishable under sections 318(1), 352, 351(2) and 324(4) of BNS and sections 3(1)(r), 3(1)(s) and 3(2) (va) of SC and ST (POA) Act.

10. In said complaint, it is alleged by the informant that he is earning his livelihood by the business of building centering work and supplying its materials to other contractors. The petitioner No.1, who was doing building contract work of Morarji hostel near Kanati approached him and obtained centering materials required for 100 square meters. He also got centering



materials from one Ash, the contractor of Kerala for the work of petitioner No.1 and when he secured said material, the petitioner No.1 had transferred a sum of Rs.20,000/- to him through phonePe towards lorry fare. The informant himself stocked the centering material on 12.02.2025, commenced the work on 13.02.2025 and completed the same by 15.03.2025. As he found shortage of 50 poles, he went to Bengaluru on 19.03.2025 and met with an accident at Nelamangala and in the said regard took treatment at Lake View Speciality Hospital as inpatient for 24 days and as such he entrusted the remaining centering work to his writer Anand and accordingly, he completed the same. When the informant tried to contact petitioner No.1 over phone when he was taking treatment as inpatient, he was not available to him to make payment and the petitioner No.2 went on postponing the payment for 02 months and thereby they cheated them without making payment for the work done by him.

11. It is also alleged by the informant that on 26.06.2025 at 10 p.m, when he went to take back the centering materials of 100 square meters, the petitioners who were found at the spot requested him to leave the material as they were using the same for other buildings and assured to pay rent for the same and as such he took the remaining materials i.e., 100 poles and certain plywood sheets in a Bolero vehicle and unloaded the same for the work undertaken at N.R.Pura and when he went to the spot to bring one more load, the petitioners took him inside their office, abused him in filthy language by touching his caste and scolded him that they would not give his materials and issued threat to his life and as such when he



called 112 helpline, the Aldur police came to the spot and by that time, the petitioners had escaped from the spot and as such he went to Aldur station with the vehicle and reported complaint against the petitioners. Even after the lodgment of the complaint, he tried to approach the petitioners on 06 to 07 occasions, but they did not respond to him. Thus with the allegation that the petitioners have cheated him without making payment for the work done by him and without returning the centering materials of 100 square meters and caused loss to the tune of Rs.35 to Rs.40 lakhs, he sought for action against the petitioners.

12. As stated above, the respondent police registered case against petitioners for the aforesaid offences and the investigation is still in progress. At this stage, the petitioners have come up with this petition under section 482 of BNSS seeking pre-arrest bail. The offences alleged against the petitioners comprises the offences punishable under SC & ST (Prevention of Atrocities) Act, 2015. It is relevant to note that Section 18 of said Act provides that nothing in Section 438 of the Code of Criminal Procedure, which is replaced by section 482 of BNSS shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under said Act. It is also relevant to note that section 18A has been inserted to said enactment by virtue of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018 with effect from 20.08.2018 and sub-section 2 of section 18A of said Act provides that the provisions of section 438 of the Code of Criminal Procedure, which is now replaced by section 482 of BNSS shall not apply to a case under the said Act notwithstanding any Judgment or Order or direction of any Court.



13. It has been held by Hon'ble Apex Court and our Hon'ble High Court in catena of decisions that the aforesaid provisions contemplated under section 18 and 18A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have no application where prima facie case is not made out and in such cases there is no bar to grant anticipatory bail. In the case of **Rahna Jalal Vs. State of Kerala and Another reported in (2021) 1 SCC 733**, the Hon'ble three Judges Bench of Hon'ble Supreme Court has reiterated the aforesaid preposition and held in paragraph No.25 as follows: -

“25. Thus, even in the context of legislation, such as Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where a bar is interposed by the provisions of Section 18 and sub-section 2 of Section 18A on the application Section 438 of Cr.P.C., this Court has held that the bar will not apply where the complainant 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* 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 Tribes (Prevention of Atrocities) Act, 1989”.



14. Section 18 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 excludes the application of section 438 of Cr.P.C., which is now replaced by section 482 of BNSS in relation to any case involving the arrest of any person on an accusation of having committed an offence under said Act and sub-section 2 of Section 18A of said Act specifically excludes the application of the provisions of section 438 of Cr.P.C., which is now replaced by section 482 of BNSS notwithstanding any Judgment, Order or direction of a Court. However, the Hon'ble Supreme Court has held that the bar created under section 18 and sub-section 2 of section 18A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not be attracted where the complaint does not prima facie indicate a case attracting the applicability of the provisions of said Act.

15. In the case of **Gulam Mustafa Vs. State of Karnataka & Another reported in 2023 LiveLaw (SC) 421**, the Hon'ble Supreme Court while observing that it has been consistent in interfering with in such matters where purely civil disputes, more often than not, relating to land and/or money are given the colour of criminality, only for the purposes of exerting extra judicial pressure on the party concerned is nothing but abuse of the process of the Court, has impressed that the officers who institute FIR based on any complaint are duty bound to be vigilant before invoking any provision of a very stringent statute like the SC/ST Act, which imposes serious penal consequences on the concerned accused and it is also indicated that the officer has to be satisfied that the provisions he seeks to invoke prima facie apply to the case at hand.



16. By keeping these aspects in mind, this court is required to examine whether the averments made in the complaint makes out a prima facie case against the petitioners to invoke the offences punishable under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

17. I have perused the entire allegation made in the complaint and other material made available on record. As per the allegations made in the complaint, the informant had supplied centering materials required for 100 square meters to the petitioner No.1 and also completed the centering work, but the petitioners are alleged to have cheated him in not paying the amount for the work done by him and by not returning the material supplied by him. On the other hand, it is contended by the learned counsel for the petitioners that the allegations made in the complaint are of civil in nature and the petitioners have not committed any offence as alleged, but they have been falsely implicated by the informant on account of some differences in the alleged transaction. It is also contended by the learned counsel for the petitioners that the offences punishable under section 3(1)(r) and 3(1)(s) of SC & ST (POA) Act have been invoked against the petitioners and in order to attract said offences, the alleged abuse, insult or intimidation must have taken place in public view, but in the case on hand, as per the allegations made in the complaint, the petitioners had abused and intimidated the informant by taking him inside their office and as such, there is no material to invoke aforesaid offences against the petitioners. This court finds some



substance in the contention urged in the said regard as there is no averment in the complaint to the effect that the alleged abuse or intimidation was made in public view so as to attract said offences.

18. Even a perusal of the allegations made in the FIR would indicate that there exists some dispute between the complainant and accused parties with regard to payment of money in respect of the centering materials supplied by the informant to the accused and the centering work done by him. Further as per the allegations made in FIR, the alleged incident took place on 26.06.2025, but it came to be reported to the police on 13.02.2026. By highlighting the same, it is contended by the learned counsel for the petitioners that there is inordinate delay in reporting the alleged incident to the police and the same is not explained by the informant at this stage and the delay in the said regard clearly establishes that the allegations leveled against the petitioners are the result of afterthought and baseless. Having regard these peculiar facts and circumstances of the case, the possibility of informant giving the colour of criminal nature to some dispute or differences with respect to the materials supplied by him to the accused and the work done by him cannot be ruled out and therefore this court is of the humble opinion that the veracity of the allegations leveled against the petitioners is required to be unearthed in the investigation. In the light of above discussion, this court is of the opinion that whether the allegations leveled against the petitioners herein do attract any of the offences punishable under SC & ST (Prevention of Atrocities) Act is required to be unearthed in the investigation. As it is difficult to make out a prima facie case against the petitioners herein from the material made available on record at this stage, this



court is of the opinion that the bar created under Section 18 and sub-section 2 of 18A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not applicable to the case on hand in the light of the proposition held by the Hon'ble Supreme Court in the above mentioned case as it is difficult to make out a prima facie against the petitioners from the averments made in the complaint.

19. As the provision of anticipatory bail are based on the discretion of the court, it is the duty of the court to balance the wheel of justice in such a manner that the provisions of law are not misused by any party nor the right of the accused of bail not jail be denied if the balance of probabilities incline in favour of the accused while following the procedure established by law. Further while dealing with an application for grant of anticipatory bail, in addition to the nature and gravity of offence and other aspects, the court is also required to see whether the accusation has been made to insult or humiliate the applicant by having him arrested.

20. As the case has been registered against the petitioners for the non-bailable offences, the apprehension of arrest on their part appears to be well founded and until the veracity of the allegations is tested, the possibility of they becoming subject of humiliation if arrested cannot be ruled out.

21. Besides that though the offences alleged against the petitioners are non-bailable in nature, those are not punishable with death or imprisonment for life. Further it is not the case of prosecution that the presence of petitioners is required for custodial interrogation and further there is nothing on record to show that it is difficult to secure their presence for



investigation and trial without arresting and detaining them in custody. Further, there is nothing on record to show that petitioners are placed in such a position that they are able to threaten, intimidate or influence the prosecution witnesses and to tamper its evidence.

22. Having regard to these peculiar facts and circumstances of this case, this court is of the opinion that the prosecution has not made out any compelling ground to deny pre-arrest bail to the petitioners. The apprehension on the part of prosecution can be safeguarded by imposing suitable conditions. Hence, this court is of the humble opinion that this is a fit case to exercise discretion to enlarge the petitioners on anticipatory bail. Accordingly, I answer Point No.1 in the **Affirmative**.

23. **Point No.2** : In the light of above discussion, I proceed to pass the following:

ORDER

The petition filed under section 482 of BNSS is allowed.

The petitioners, who are arraigned as accused No.1 and 2 in Crime No.30/2026 on the file of Aldur police station are ordered to be enlarged on bail in the said case registered against them for the offences punishable under sections 318(1), 352, 351(2) and 324(4) of BNS and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (POA) Act on the following conditions:-

- 1) The petitioners shall appear before investigating officer within twelve days from today and shall



execute personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each with two sureties for the like sum to the satisfaction of the investigating officer.

- 2) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing such facts to the court or to any police officer.
- 3) They shall make themselves available for interrogation by the police officer as and when required.
- 4) They shall not involve themselves in commission of similar offences.

In case of violation of any of the conditions imposed above, the prosecution is at liberty to seek cancellation of bail.

(Dictated to the Stenographer Grade-III, typed by her, corrected and pronounced by me in the open court on this 11th day of March, 2026)

Sd/-

[Bhanumathi B.C]

I Addl. Sessions and Special Judge
Chikkamagaluru