



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

Dated this the 27th day of April, 2026

PRESENT

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

Crl.Misc.No.207/2026

Petitioner: A.V Jeevan,
S/o late Vijaykumar,
Aged about 25 years,
R/at Aravinda Nagara
Gonkal Village,
Chikkamagaluru District.

(Represented by Sri.DEJ, Adv)

-Vs-

Respondents: 1. State by Rural police,
Chikkamagaluru.

(Represented by Special
Public Prosecutor,
Chikkamagaluru)

2. Shankar C
S/o late Channaiah
Aged about 50 years
R/at Aravinda Nagara
Gonkal Village
Thogarihankal Post
Chikkamagaluru District.



3. Smt. Hemavathi
W/o Shankar C
Aged about 43 years
R/at Aravinda Nagara
Gonkal Village
Thogarihankal Post
Chikkamagaluru District.

(R2 and R3 are represented by
Smt.SG, Adv)

ORDER

The petitioner, who is arraigned as accused in Crime No.131/2026 on the file of Rural police station, Chikkamagaluru has 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 his arrest in said case registered against him for the offences punishable under sections 118(1), 352 and 351(2) 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 petitioner that he is innocent of the alleged offences, but a false case has been foisted against him. It is stated that respondent No.2 himself picked up quarrel with the petitioner and assaulted him and as a result, he sustained injuries



and took treatment at M.G. Hospital, Chikkamagaluru. In this regard, petitioner had lodged a complaint against respondent No.2, however, the respondent police had not registered FIR, but only gave acknowledgement by registered the same as non-cognizable case and registered a false case against him on the basis of the complaint reported by the informant.

3. It is further stated by the petitioner that he is permanently residing at the address shown in the cause title having deep roots in the society and as such there is no chance of his abscondance if let on bail. By registering the case against him, the respondent police are trying to arrest the petitioner and therefore in anticipation of his arrest, he has come up with this petition seeking anticipatory bail. The petitioner is 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 him. Inter-alia on these grounds, the petitioner sought for allowing the petition.

4. 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 in the course of investigation, the investigating officer visited the spot, conducted detailed mahazar, recorded the statements of witnesses and the investigation is still in progress and the material placed on record prima facie establishes the involvement of petitioner in crime in question. The petitioner is politically and economically influential



and if at this stage, he is released on bail, he may intimidate, threaten and influence the prosecution witnesses and he may also flee from investigation and hamper the same and he may also involve himself in the commission of similar offences. Inter-alia, on these grounds, the Public Prosecutor sought for rejecting the petition.

5. The presence of informant/injured and another victim, who are arraigned as respondents No.2 and 3 has been secured. They appeared through their counsel and filed objections by reiterating the contentions urged by the prosecution and averments made in the complaint.

6. Heard both sides and perused record.

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

(1) Whether petitioner, who is arraigned as accused in Crime No.131/2026 on the file of Rural police station, Chikkamagaluru has made out any ground to avail anticipatory bail in the said case?

(2) What order ?

8. 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

9. **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.

10. It is seen from the record that on 26.03.2026, the respondent police registered case in Crime No.131/2026 on the basis of first information statement of one Shankar S/o. Late Chennaiah i.e., the respondent No.2 herein, which is said to have been recorded while he was being treated at M.G Hospital, Chikkamagaluru against accused for the offences punishable under sections 118(1), 352 and 351(2) of BNS and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC and ST (POA) Act.

11. In said first information statement, it is alleged by the informant that on 25.03.2026, his younger brother Ramachandra had organized the naming ceremony of his grand daughter at his house and accordingly, their relatives and friends had participated in it and after the conclusion of the ceremony, the relatives and friends left, but few stayed back in the house of said Ramachandra. Later at about 8.30 p.m, as the informant was scolding his children at his house for



not studying properly for the exams, the petitioner, a resident of their village, who stood in the house of his brother Ramachandra, came out and questioned him as to why he was speaking loudly and at that time, when the informant replied that he was scolding his children, the petitioner assaulted him with a club and caused bleeding injury to his left eye and then he assaulted on his person with said club. When his wife Hemavathi intervened, the petitioner assaulted her with said club and then his brother's children by name Vasanth and Ratna came and pacified the scuffle and then the petitioner left the spot by abusing the informant in filthy language by touching his caste and issuing threat to his life. Thereafter, one Suresh of their village took him to Government Hospital, Chikkamagaluru at about 11.00 PM and therein he was treated as inpatient. With these allegations, the informant sought for action against the petitioner.

12. As stated above, the respondent police registered case against petitioner for the aforesaid offences and the investigation is still in progress. At this stage, the petitioner has come up with this petition under section 482 of BNSS seeking pre-arrest bail. The offences alleged against the petitioner 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 petitioner to invoke the offences punishable under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

17. I have carefully perused the entire allegation made by the informant in his first information statement. As per the allegations made by the informant after attending the naming ceremony of his brother's grand daughter, the relatives and friends left his house by evening, but few of them stayed back in the house of his brother and later at about 8.30 p.m, when the informant was scolding his children, this petitioner who stood in the house of his brother i.e., informant's brother came out and quarreled with him for speaking in loud voice and at that time, this petitioner is alleged to have assaulted the informant and his wife with a club and abused them in filthy language by touching their caste. By highlighting these allegations, it is contended by the learned counsel for petitioner that as



per the allegations made by the informant himself, this petitioner had gone to the house of informant's brother to attend the naming ceremony of his grand daughter and stood there after the ceremony and these aspect would go to show that the petitioner has no discrimination whatsoever that too on the basis of the caste as he had gone to the house of the informant's brother to attend his grand daughter's naming ceremony and stood there even after the completion of the ceremony and as such it is difficult to believe the allegation of caste base abuse and assault leveled against him.

18. Further by producing a copy of discharge summary said to be of the petitioner, complaint given by the petitioner to the respondent police and the acknowledgment issued by them in the said regard, it is contended by the learned counsel for the petitioner that when the petitioner came out from the house of aforesaid Ramachandra after attending his grand daughter's naming ceremony, the informant herein started abusing in filthy language and then he started making video of the same, he came to hit him and at that time, when they were pushing each other, the informant's wife came to assault him with a club, but the blow hit her husband and as such, he was taken to the hospital and in the said ruckus, the informant had assaulted him and caused injury and in the said regard, he took treatment at District Hospital, Chikkamagaluru. It is also contended that the injury said to have been sustained by the informant herein was caused by his wife and not the petitioner herein, but by taking advantage of the same, the informant has foisted false complaint against him.



19. It is seen from the record that with respect to some incident that took place in the night of 25.03.2026, the complainant and accused parties have reported complaints against each other to the respondent police on the same day i.e., on 26.03.2026 and based on the complaint lodged by the informant, a case has been registered in Crime No.131/2026, but the complaint reported by the petitioner herein was registered as a non-cognizable case. A perusal of the allegations made in both the complaints and the material made available on record would indicate that some untoward incident had taken place between the complainant and the accused parties with respect to some misunderstanding between them. Further a perusal of material made available on record would indicate that on said day the petitioner had gone to the house of informant's younger brother to attend his grand daughter's naming ceremony. By highlighting the same, it is contended by the learned counsel for the petitioner that the question whether the petitioner had intentionally abused and assaulted the informant and his wife on the premise that they are the members of a lower caste is yet to be ascertained in the investigation. Having regard to these aspects and in the light of above discussion, this court is of the opinion that the veracity of the allegations leveled against the petitioner is required to be unearthed in the investigation.

20. In the fact situation, whether the allegations leveled against the petitioner herein do attract any of the offences punishable under SC & ST (Prevention of Atrocities) Act, 2015 is required to be unearthed in the investigation. As it is difficult to make out a prima



facie case against the petitioner 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 petitioner from the averments made in the complaint.

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

22. Besides that though the offences alleged against the petitioner 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 petitioner is required for custodial



interrogation. Further there is nothing on record to show that it is difficult to secure the presence of the petitioner for investigation and trial without arresting and detaining him in custody. The possibility of petitioner fleeing from justice if enlarged on bail appears to be remote. Further, there is nothing on record to show that petitioner is placed in such a position that he is able to threaten, intimidate or influence the prosecution witnesses and to tamper its evidence.

23. Having regard to these peculiar facts and circumstances of this case, this court is of the view that the prosecution has not made out any compelling ground to deny pre-arrest bail to the petitioner. 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 petitioner on anticipatory bail. Accordingly, I answer point No.1 in the ***Affirmative***.

24. **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 petitioner, who is arraigned as accused in Crime No.131/2026 on the file of Chikkamagaluru Rural police station is ordered to be enlarged on bail in the said case registered against him for the offences punishable under sections 118(1), 352, and 351(2) 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 petitioner 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) with two sureties for the like sum to the satisfaction of the investigating officer.
- 2) He 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) He shall make himself available for interrogation by the police officer as and when required.
- 4) He shall not involve himself 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 27th day of April, 2026)

(Bhanumathi B.C)
I Addl. Sessions and Special Judge
Chikkamagaluru