



**IN THE COURT OF THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, D.K. MANGALURU, SITTING AT
PUTTUR, D.K.**

Dated: - This the 6th day of June 2026

PRESENT

SRI. SADANANDA NAGAPPA NAIK., BAL. L.L.B.,
V Additional District And Sessions Judge,
D.K., Mangaluru, sitting at Puttur D.K.

:: Crl.Misc./5136/2026 ::

Petitioners	1.	Divakara Acharya., S/o. Madhava Acharya, Aged about 58 years,
	2.	Jayanthi, W/o. Divakara Acharya, Aged about 56 years, Both are r/at. Mayya Compound, Periyathodi Road, Kurkunja, Puttur Taluk, D.K.,
		(By Sri. K.N.S, Advocate)
- V/s -		
Respondents	1.	The State
	2.	Annu, S/o. Choma Mogera, Aged about 48 years, R/at. Periyathody House, Kabaka Village, Puttur Taluk, D.K.,
		(R.1 by Learned Public Prosecutor D.K. Mangalore) (R.2 by Sri. A.K.B Advocate)

: ORDERS ON BAIL PETITION FILED U/Sec.482 of BNSS. :

The petitioners/accused persons have filed this petition u/Sec.482 of BNSS., to grant Anticipatory Bail in their favour in connection with Crime No.61/2026 of Puttur Town Police Station.

2. The case of petitioners/accused :-

The Puttur Town Police have registered a case in Crime No.61/2026 against the accused persons for the offences punishable u/Sec.352, 351(2) r/w 3(5) of BNS and Sec.3(1)(r)(s) of SC/ST PA Amendment Act 2015. The Puttur Town Police are repeatedly visiting the houses of petitioners/accused and giving trouble to their family members. Therefore, they have filed the present bail petition on following grounds.

GROUND FOR BAIL

The accused in the above case is totally innocent have not committed any offence as alleged against them and they are falsely implicated in the above said case. That there is no prima facie against the petitioner nor there are any ingredients to come to the conclusion that the petitioner has committed the above said offences or there are no reasonable grounds for believing that they are guilty of offences as alleged. They have never committed any offences as alleged. The petitioners is totally innocent of the alleged offence and they falsely implicated on this

case. The complaint do not reveal any overact on the part of the petitioners. The offence alleged against the accused is non-bailable in nature but it is neither punishable with life imprisonment nor with death sentence. The petitioners are belonging to a very respectable family and they are only bread earning members of the family, looking after their children. That the petitioners are young age and they do not have any criminal antecedent to their credit and past. The 1st petitioner is working as Business man. That the petitioners will undertake to obey the reasonable conditions which may be imposed for their release on bail. That they will undertake or appear before this court and also will co-operate for investigation after getting anticipatory bail. That the petitioner will not hamper or tamper with investigation or trail. On these grounds, the petitioners pray to allow the bail petition in the interest of justice.

3. The Learned Public Prosecutor has filed objections along with the report of the I.O., by interalia contending that, the petitioners/accused persons have committed the offences punishable u/Sec.352, 351(2) r/w 3(5) of BNS and Sec.3(1)(r)(s) of SC/ST PA Amendment Act 2015. They may commit similar type of crime in future also, if they are released on bail. The investigation is under progress and the investigation conducted so far reveals

that, there is prima-facie case against the petitioners/accused herein. They may hamper the investigation and trial, in the event of their release on bail. The petitioners/accused have not made out sufficient grounds for grant of anticipatory bail. On these grounds, the learned Public Prosecutor prays to reject the above bail petition in the interest of justice.

4. The defacto complainant/respondent No.2 is present and filed objection by stating that the Section 18 of The Scheduled Castes and the Scheduled Tribes (Prevention Of Atrocities) Act, 1989 expressly bar grant of pre arrest bail to the persons accused of offences committed under the act. Thus, the Petitioners being accused of offences punishable under sections 3(1)(r)(s) of the Act has no right to seek pre arrest bail in view of statutory bar provided in Section 18 of the Act and as such petition filed by the petitioners is liable to be dismissed on that ground alone. That the Respondent No.2 belongs to the Schedule Caste and the Petitioners have not only hurled abuses on the Respondent No.2 but also expressly insulted his caste in the presence of other persons. The Petitioners have used derogatory words against the Respondent No.2 by stating that even if the persons belonging to schedule caste, looks at the house of the petitioners, it will affect the caste of the petitioners. The Petitioner No.2 has also

threatened that she is a woman and she will file false case against the Respondent No.2. Thereby, the Petitioners have committed the offences alleged against them which are grave and discriminatory in nature. No leniency can be accorded to the petitioners herein. The Respondent No.2 has come to know that there were other cases registered against the Petitioners. On these grounds prays to dismiss the application filed by the petitioner.

5. I have heard the arguments on both sides. The counsel for petitioner has relied upon following citation;

**1. Writ Petition No.1015 of 2018 - Prathvi Raj Chauhan
v/s. Union of India**

The counsel for respondent No.2 has relied upon following citation;

**1. Special Leave petition(Crl)NO.8169 of 2025 - Kiran
v/s. Rajkumar Jivraj Jain and another.**

6. From the above facts the following points arise for my consideration.

1. Whether the petitioners/accused persons have made out sufficient grounds for grant of Anticipatory Bail as prayed for?

2. What Order?

7. My findings on the above points are as follows:

Point No. 1 :: In the affirmative.

**Point No. 2 :: As per final order,
for the following;**

: REASONS :

8. **Point No.1:-** The petitioners herein are seeking anticipatory bail from this Court in respect of a case registered against them in Crime No.61/2026 on the file of Puttur Town police station for the offences punishable u/Sec.352, 351(2) r/w 3(5) of BNS and Sec.3(1)(r)(s) of SC/ST PA Amendment Act 2015. It is alleged that on 15-05-2026, at about 4.00 p.m., while the complainant was watering the coconut plantation situated beside the public road in a layout belonging to Dinesh Mayya at Pariyattodi, Puttur Kasaba village, Puttur taluk, at that time, the nearby resident namely Divakara Acharya and his wife Jayanthi were discussing financial matters with officials of SBI Bank who had arrived in a white colour car. Thereafter, the bank officials left the place. At that time, noticing the complainant standing by the roadside, the said Divakara Acharya and his wife Jayanthi intentionally abused the complainant by referring to his caste in filthy language and stated in substance that, "You worthless fellow born in low caste, if you stand near our house our Achari caste will

become impure. Leave this place. You are a Mugere caste person and have come to overhear our conversation," thereby intentionally insulted and humiliated the complainant by taking the name of his caste in a place within public view. Further, they threatened the complainant stating that he should not come for work in the said layout and if he comes there again, they would file a false complaint before the Woman Police Station alleging that he had watched the woman while she was bathing and thereby, intimidated him with life threat and reputation. Hence, the complainant lodged complaint against the accused persons for the above said offences.

9. In this case, the incident is alleged to have happened while the Respondent No.2 was working in the layout of someone else. The motive for abusing the caste of Respondent no.2 is vague. It is unlikely that someone will simply abuse the caste of someone without any reason. In the present case, it is argued by the petitioners that there is a dispute between the owner of the layout and its neighbors and the owner of the layout has filed a false complaint through the present complainant. In this case, the petitioner no.2 is a woman. Petitioners are aged. There is a delay in filing the complaint which is not properly explained. On the perusal of I.O. report, it reveals that, police have conducted the

mahazar. Hence, custodial interrogation of the accused persons need not be required and preliminary investigation is over. The true fact can be ascertained only at the time of trial and not at this stage. Therefore, the veracity of the allegations could be appreciated only after the trial.

10. In fact there is statutory bar U/S 18 and 18(A) of SC/ST (PA) Act for granting anticipatory bail. But, in the following decisions it was held that, if there is no prima-facie case against the accused persons, then anticipatory bail could be granted to the accused persons. On perusal of the material record, the prima facie case against the petitioner appears to be remote, the ratio held in the verdict in **Writ Petition [C] No.1015 of 2018 of Supreme Court of India in between Prathvi Raj Chauhan V/s Union of India & others** is aptly applicable to the case on hand.

11. Herein, the offences alleged against the accused are not punishable with death or imprisonment for life. The accused are contending that they are ready to abide by any conditions and offer solvent surety for release on bail. The prosecution papers show that the accused are the permanent residents of address shown in the cause title and have got deep roots in the society. Therefore, considering the facts and circumstances of the case

and societal interest, I am of the view that anticipatory bail could be granted to the petitioners/accused persons in the present case. It appears that the apprehension of the State could be met with by imposing suitable conditions on the petitioners and the anticipatory bail could be granted in favour of the petitioners. Therefore, I record my answer to the above **point No.1 in the affirmative.**

12. **Point No.2:** For the foregoing reasons, I proceed to pass the following:-

: ORDER :

The petition filed by the petitioners/accused persons U/Sec.482 of B.N.S.S., 2023 is hereby allowed.

Accordingly, in the event of arrest of the petitioners/accused persons in Crime No.61/2026 on the file of Puttur Town Police Station, the investigating officer/arresting officer shall release them by taking a personal bond for Rs.2,00,000/- (Rupees two lakhs) each with one surety for the like sum, with following conditions.

- 1. The petitioners/accused No.1 and 2 shall surrender before the SHO, Puttur Town Police Station within 20 days from today.***
- 2. They shall mark their attendance before I.O., on every alternative***

Sunday till completion of the investigation and shall co-operate with them in proper investigation of the case.

- 3. They shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.***
- 4. They shall not commit/involve in similar type of offences in future.***
- 5. They shall produce their address proof to the I.O.***

The violation of above conditions entails cancellation of the bail.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court today the 6th day of June 2026).

(Sri. Sadananda Nagappa Naik.)
V Addl. District and Sessions Judge,
D.K., Mangaluru, sitting at Puttur, D.K.