



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

Dated: - This the 8th 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./5142/2026 ::

Petitioners	1.	Chandrashekara, S/o. Karpaiah Aged about 44 years,
	2.	Latha, C/o. Chandrashekara Aged about 39 years, Both are r/at. Kelagur, Chikkamagaluru Presently R/at Gumpakallu House, Arbi Road, Bappalige, Puttur Kasba Village, Puttur Taluk.
		(By Sri. M.P.K., Advocate)
- V/s -		
Respondents	1.	The State of Karnataka By Puttur Town P.S
	2.	Shekhara Naik, S/o. Hariyappa Naika Aged about 51 years, R/at. Gumpakalu House, Bappalige, Puttur Kasba Village, Puttur Taluk.
		(R.1 by Learned Public Prosecutor D.K. Mangalore)

	(R.2 -in person)
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: 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.58/2026 of Puttur Town Police Station.

2. The case of petitioners/accused :-

The Puttur Town Police have registered a case in Crime No.58/2026 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), 3(2)(Va) 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. The Section: 3(1) (r), (s), 3(2)(va) are only non-bailable, but the ingredients of Section

not applicable to alleged fact. It is submitted before this Hon'ble Court, mere Knowledge of fact that complainant is a member of SC or ST is not sufficient to attract the section and merely abusing member of SC or ST would not be enough, saying caste name would also not constitute offense to constitute offense under section 3(1)(s). Therefore these petitioners did not have any intention. On 10/05/2026 case and counter case registered as crime number 31/2026 and 32/2026 at women police station of Puttur and on 11/05/2026 registered the case of same incident. The alleged dispute in civil nature. The alleged offense is neither punishable with death nor imprisonment for life. Custodial detention or interrogation of these Petitioners are necessary in the present case. The petitioners are ready to abide by any reasonable condition imposed by this Hon'ble Court and they will undertake or appear before this court and also will co-operate for investigation after getting anticipatory bail. 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), 3(2)(Va) 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. Section 18(a) 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. 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 he orally objected to the bail application filed by the Petitioners.

5. I have heard the arguments on both sides. The counsel for petitioner has filed memo along with two documents and also relied upon following citations;

1. Judgment reported in 2024(4) Kar.L.R. SN 27 of Hon'ble High Court of Karnataka between Chitti babu Naidu and Another

2. Judgment reported in 2024(2) Kar.L.R. SN 44 of Hon'ble High Court of Karnataka between Suresh R and Others Vs State of Karnataka 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.58/2026 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), 3(2)(Va) of SC/ST PA Amendment Act 2015. It is alleged that, the Complainant is a cobbler and the Accused persons being fully aware that the Complainant belongs to SC/ST community, on 10.05.2026, at about 03.30 P.M., in the evening, while the Complainant was cleaning the pit on the northern side of

his land, the accused persons came to the spot and abused complainant in a filthy language and threatened him by stating "ಕಣಿಯನ್ನು ಏಕೆ ರಿಪೇರಿ ಮಾಡುತ್ತಿರುವೆ, ಬ್ಯಾಪ್ಪರ್, ರಂಡೇ ಮಗ, ಚಪ್ಪಲಿ ಹೊಲಿಯುವ ಕೀಳು ಜಾತಿಯವನೇ, ಕೆಲಸ ನಿಲ್ಲಿಸದಿದ್ದರೆ ನಿನಗೆ ಚಪ್ಪಲಿಯಿಂದ ಹೊಡೆದು ಇಲ್ಲಿಂದ ಕಳುಹಿಸುವುದಾಗಿ ಮತ್ತು ಇಲ್ಲಿಂದ ಜಾಗ ಖಾಲಿ ಮಾಡದೇ ಇದ್ದರೆ ಕೊಲೆ ಮಾಡುವುದಾಗಿ ಬೆದರಿಕೆ ಒಡ್ಡಿರುತ್ತಾರೆ". 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 cleaning the drain in his land. 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 civil dispute between the Complainant and the Accused. In this case, the petitioner no.2 is a woman. 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 persons are contending that they are ready to abide by any conditions and offer solvent surety for release on bail. On 10/05/2026 case and counter case registered as crime number 31/2026 and 32/2026 at women police station of Puttur and on 11/05/2026 registered the case of same incident. 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.58/2026 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 8th day of June 2026).

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