

KAHS010038612026



Presented on : 19-05-2026
Registered on : 19-05-2026
Decided on : 02-06-2026

**IN THE COURT OF I ADDL. DISTRICT & SESSIONS
& SPL JUDGE, AT HASSAN**

PRESENT

**SMT. SHEILA B.M.
M.Com., LL.M,
I Addl. District & Sessions &
Spl. Judge, Hassan.**

DATED THIS 3rd DAY OF JUNE 2026.

CRL. MISC.No.521/2026

Petitioners/Accused:

3. Mallamma W/o Narasimhaiah,
Aged about 65 years,
5. Nagesh S/o Krishnegowda,
Aged about 40 years,

Both are R/o Goruru Koppalu Village,
Madihalli Hobli, Beluru Taluk,
Hassan District.

(By Sri.A.H.B., Advocate)

//Vs.//

Respondent

The State of Karnataka,
through PSI,
Halebeedu Police Station,
Halebeedu, Hassan District.
(Rep.by Spl. Public Prosecutor Hassan)

Respondent No.2 :-

Kumar S/o Rajaiah,
Aged about 48 years,
R/o Goruru Koppalu Village,
Madihalli Hobli, Beluru Taluk,
Hassan District.

ORDER ON BAIL PETITION FILED U/SEC.482
OF B.N.S.S., BY PETITIONERS

The petitioners / accused no.3 and 5 have filed this bail petition under section 482 of B.N.S.S., seeking an anticipatory bail.

2. It is mentioned in bail petition that Halebeedu Police have registered criminal case in crime No.113/2026 for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015. The accused no.1, 2 and 4 by name Manjunatha, Narasimhaiah and Gangadhara were assaulted by complainant of this case Kumara, Hemanth, Manu and Harisha on 11.05.2026

at 11.00 a.m. In this regard victim Manjuntha lodged a complaint against the complainant and 3 others in respect of assault in Cr.No.114/2026. They are innocents and have not committed any offences as alleged in the complaint ; that they are permanent residents of address shown in the cause title; that they do not have any criminal antecedents ; that the alleged offences are not punishable with death or life imprisonment ; that they are ready to offer surety to the satisfaction of the Court. They will abide by any conditions that may be imposed by this court. Hence, prays for allowing the bail petition.

3. Learned Spl. Public Prosecutor has filed objections to bail petition contending that bail petition is not tenable under law. He has reiterated contents of complaint, FIR and police records. It is contended that investigation is not yet completed; that alleged offences are non bailable and serious in nature. There is bar U/sec. 18(A)(2) SC/ST Act to entertain this type of bail petition. If accused are released on bail they may abscond, may not appear before the court, may not have fear and respect about law, may commit similar types of offences, they may threaten the witnesses and make them hostile. Hence, prayed for rejection of bail petition.

4. The victim is present before the Court and opposed the bail petition.

5. Heard arguments on petitioners side and perused the records.

6. The following points arise for my consideration;

- 1) **Whether petitioners/accused have made out valid grounds for grant of anticipatory bail order under section 482 of BNSS in this case?**
- 2) **What order ?**

7. My answer to above points are as under;

Point No.1:- In affirmative

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

:REASONS:

8. **POINT NO.1:-** I have carefully gone through contents of bail petition, objections, complaint, FIR and police records. Halebeedu Police have registered criminal case against these petitioners in crime No.113/2026 for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015.

9. The brief facts of prosecution case is that on 11.05.2026 at 11.00 a.m at Goruru Koppalu, the complainant doing agricultural work in his land. At that time the adjacent landlords i.e., accused no.1 and 2 Manjunatha and Narasimhaiah came near their land and tried to connect electricity from TC. The complainant questioned the Manjunatha and Narasimhaiah as to why they are connecting electricity to their TC. In turn the Manjunatha and Narasimhaiah abused him in filthy language by referring to his caste ; assaulted him by hands ; pulled him to the drainage and kicked him. Thereafter the accused no.3 to 5 came there and assaulted him by hands and gave life threat. The accused no.1 and 2 assaulted complainant by club. The Lalithamma, Nayana and Gangamma who were working in the adjacent lands came and pacified the quarrel.

10. I am conscious of the fact that there is a bar under Section 18 of SC/ST (POA) Act to release the accused/petitioners on bail. However, the Hon'ble Apex Court in the case of Dr. Subhas Kashinath Mahajan Vs State of Maharashtra and another reported in 2018 (6) SCC 454, it has been observed that there is no absolute bar against grant of anticipatory bail in cases under the atrocities act if no prima-facie case is made out or where on judicial scrutiny

the complaint is found to be prima-facie malafide. Under such circumstances, the court can exercise the power U/s 482 of Cr.P.C., and can grant anticipatory bail.

11. It is held in decision reported in **AIR 2020 S.C. 1036 (Prathvi Raj Chauhan V. Union of India)**. Wherein, it is held that;

“Criminal P. C. (2 of 1974), S. 482 – Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act (33 of 1989), S. 18 A- (as inserted by Amendment Act 27 of 2018).

Constitution of India, Art. 21 – Anticipatory bail – offence of atrocity under Act of 1989 – Challenge to denial-Bar created by SS. 18 and 18A against grant of anticipatory bail in case of atrocity against SC and ST shall not apply unless prima facie case is made out- However in case of misuse of provisions Court can quash the cases to prevent misuse of settled parameters.”

12. On perusal of the records the petitioner no.1 has filed counter case against the complainant and others in Cr.No.114/2026 stating that on 11.05.2026 at 11.00 a.m while the Manjunatha with the assistance of the lineman laying the electricity line to the land bearing Sy.No.48. the adjacent land owner's son Hemanth and his nephew Manu and Harish restrained the laying of electricity line,

abused him in filthy language , assaulted him by club. At that time the father of the complainant came to pacify, they also assaulted him.

13. In decision reported in **(2020) 10 SCC 710 (Hitesh Verma Vs Stae of Uttarkhand)** and **2021 SCC Online Kar 14896 (Lokanath Vs State of Karnataka)** it has been observed and held that offence under the act is not established merely on the fact that the informant is a member of scheduled caste, unless there is an intention to humiliate a member of scheduled caste or scheduled tribe for the reason that the victim belongs to such caste.

The above decisions applies to the present case on hand.

14. From the records it is seen that there is a case and counter case and at this stage it is not possible to say as to who is a aggressor. From allegation made in the first information report and the document produced by the petitioner it is clear that there is civil dispute between the petitioners and respondent. From the complaint averments, it is seen that, the allegations with regard to caste are omnibus.

15. From the complaint averments, the incident has taken place on 11.05.2026 at 11.00 a.m the complaint is lodged on 14.05.2025 at 6.00 P.M. There is no explanation in the complainant for the delay. There is delay of more than three days in lodging the complaint. Delay deprives the advantage of the spontaneity and involves danger of coloured version or exaggerated concocted story as a result of deliberation and consultation. Hence, there is no prima-facie case made out by the complainant as against these petitioners for the offence under section U/s 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act.

16. The alleged offenses against the accused are not punishable with death or life imprisonment. Stringent conditions are to be imposed to meet out objections raised by learned SPP for state and complainant. The petitioners are entitled for anticipatory bail order from the hands of this court. It is a fit case to grant bail in favor of the petitioners with conditions. Whatever observation made in above paras is restricted to decision on bail petition. ***I am constrained to answer point No.1 in affirmative.***

17. **POINT NO.2:-** In result, I proceed to pass following;

ORDER

This bail petition filed under section 482 of BNSS, by the petitioners / accused no.3 and 5 are hereby allowed with conditions.

The respondent police are hereby directed to release the petitioner on anticipatory bail in the event of their arrest in Crime No.113/2026 of Halebeedu Police for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015, on they executing personal bonds for a sum of Rs.60,000/- each with a surety for the likesum, subject to following conditions;

- 1) They shall appear before the IO, within a period of two weeks from the date of this order and co-operate with investigation.
- 2) They shall not threaten, tamper or intimidate the prosecution witnesses.
- (3). They shall appear before Court when called for.

(Dictated to stenographer, transcribed and typed by him, print out, signed and corrected by me and then pronounced in open court on 03rd day of June 2026)

03.06.2026

(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS &
SPL. JUDGE, HASSAN.