



**IN THE COURT OF THE II ADDL. DISTRICT &
SESSIONS JUDGE AT KOLAR**

PRESENT

SRI. MAYANNA B.L., B.A., LL.B.,
II Additional District & Sessions Judge, Kolar.

DATED THIS THE 11th DAY OF JUNE 2026

Crl. Misc. No.465/2026

PETITIONERS

- 1. Latha,**
D/o. Rajanna,
Aged about 41 years,
- 2. Rajanna,**
S/o. Nanjundappa,
Aged about 76 years,
- 3. Varalakshmi M.N.,**
W/o. Vikas R.,
Aged about 35 years,
- 4. Vikas R.,**
S/o. Rajanna,
Aged about 36 years,

All the petitioners are
R/at. Shree Veerabhadraswamy
Nivasa, Behind Taluk Office,
Maruthi Extension,
Malur Town, Malur.

(Rep. By Sri. G.R.Ramachandra Murthy,

Advocate)
V/s.
RESPONDENT : State of Karnataka,
Rep. by PSI,
Through Kolar DCRE P.S.,
Kolar.
(Rep. by Learned Public Prosecutor.)

ORDER

The petitioners have filed this petition under Section 482 of BNSS., seeking for anticipatory bail in the event of their arrest in Kolar DCRE P.S., Crime No.15/2026, for the offences punishable under Sections 115(2), 324(2), 351(2), 76, 352, 74 R/w. Sec.3(5) of BNS and U/s.3(1)(r), 3(1)(s) of SC & ST (PoA) Act.

2. Brief facts of the case are as follows:

That on 23.05.2026 at about 10.00 a.m., to 10.30 a.m., the complainant and her friends were went to the house of Rajanna, situated behind the Taluk Office, Malur Taluk, with regard to talk about the land related documents of her uncle Mylarappa. At that time, the petitioners No.1 to 3 told her to stand out of the

compound and to talk as she belonged to Scheduled caste. Thereafter, when the complainant came out side and requested them to execute a Sale Deed in favour of her uncle, the petitioners abused her in filthy words by taking her caste name, the petitioner No.1/Latha threatened her with dire consequences, pulled her hairs and tore her blouse, the petitioner No.2/Rajanna bites on her chest and caused injuries, Latha also assaulted her with the hands and when the complainant attempts to record the incident on her mobile phone, Latha snatched the mobile phone from her and damaged it and thereafter, she called her brother by name Vikas through the phone and put the call on speaker mode. After explaining the incident, the said Vikas told her to finish them and also abused them in filthy words by taking their caste name. Therefore, the complainant has filed this complaint.

3. The petitioners have come up with the bail petition on the ground that, they are innocent and have not committed any offences as alleged in the complaint. They are law abiding citizens and however, they have been falsely implicated in this case. The petitioner No.1 is working at NGO in Hosakote, the petitioner No.2 is retired Teacher and is aged person and also suffering from age old ailments, the petitioner No.3 is Software Engineer and she is having 8 months baby and the petitioner No.4 is working in a Private Finance Company at Bengaluru. Except the petitioner No.3, all the petitioners were not at the spot, at the time of alleged incident. There is a civil dispute between the complainant and the petitioners. There is a delay of 5 days in filing the complaint. There is no prima-facie case made out against the petitioners to attract the alleged offences. In the entire complaint, it is not stated that, the alleged incident was witnessed by independent persons and there is no public view as required under law. The petitioners are

permanent residents of the address mentioned in the cause title of the petition and they are having landed properties. The persons, who are enmity towards the petitioners, have instigated the complainant to give false complaint against the petitioners. Since the alleged offences are non-bailable, the respondent police are making hectic efforts to arrest petitioners and hence, they are having apprehension of arrest in the hands of police. The petitioners are ready to furnish sureties and abide by the conditions. Hence, prays to allow the petition. In support of their contention, the learned counsel for the petitioners has also filed memo with citation of judgment reported in Criminal Appeal No.2622/2024 in a case of Shajan Skaria V/s. The State of Kerala and another.

4. The learned Public Prosecutor has filed objections to the petition reiterating the complaint averments along with the report of the investigation officer and contended that, the petition is not

maintainable either in law or on facts. As per the provision of Sec.18 of SC & ST (PoA), Act 2015, the petitioners are not entitled for anticipatory bail. The offence U/s.76 of BNS is punishable up to 7 years imprisonment and fine and the offence under Section SC & ST Act is punishable up to 5 years imprisonment and fine. The IO has conducted the spot mahazar and also recorded the statements of witnesses. The statements of other witnesses are yet to be recorded and the caste certificate is yet to be collected. The petitioners are financially strong and politically influential persons. If the anticipatory bail is granted to the petitioners, they may not make themselves available for the purpose of investigation, there is every possibility of hampering the evidence and tampering the witnesses and indulge in commission of similar offences. Hence, the petitioners are not entitled for grant of anticipatory bail and prays to dismiss the petition.

5. On issuance of notice, the complainant appeared before the court through her counsel and filed her objections, reiterating the complaint averments and prayed to dismiss the petition. Thus the provision of Section 15A of SC & ST (PoA) Act is complied. The learned counsel for the complainant has filed memo with citation of judgment reported in Special Leave Petition (Cri) No.8169/2025 in a case of Kiran V/s. Rajkumar Jivraj Jain and another by the Hon'ble Supreme Court of India.

6. Heard the learned counsel for the petitioners/accused persons and the learned Public Prosecutor and also perused the materials on record.

7. The points that arises for consideration of this court are: -

1. Whether the petitioners/accused persons are entitled for grant of

anticipatory bail under Section 482
of BNSS.,?

2. What Order ?

8. The answer 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:-** This Court has carefully gone through the Case records. Since this petition is filed seeking for grant of anticipatory bail, there is a bar to entertain the petition for anticipatory bail as per Section 18 of SC & ST (PoA) Act. Therefore, it is necessary on the part of this Court to ascertain the existence or non-existence of prima facie case regarding the offences alleged under provisions of SC & ST (PoA) Act, as it has been observed by the Hon'ble Apex Court in the judgment reported in **2020 SCC online SC 159 (Prathviraj Vs. Union of India)** wherein it is held as:

“8. Concerning the provisions contained in section 18A, suffice it to observe that with

respect to preliminary inquiry for registration of FIR, we have already recalled the general directions (iii) and (iv) issued in *Dr. Subhash Kashinath's case* (supra). A preliminary inquiry is permissible only in the circumstances as per the law laid down by a Constitution Bench of this Court in *Lalita Kumari v. Government of U.P.*, (2014) 2 SCC 1, shall hold good as explained in the order passed by this Court in the review petitions on 01.10.2019 and the amended provisions of section 18A have to be interpreted accordingly.

9. The section 18A(i) was inserted owing to the decision of this Court in *Dr. Subhash Kashinath* (supra), which made it necessary to obtain the approval of the appointing authority concerning a public servant and the SSP in the case of arrest of accused persons. This Court has also recalled that direction on Review Petition (Crl.) No.228 of 2018 decided on 01.10.2019. Thus, the provisions which have been made in section 18A are rendered of academic use as they were enacted to take care of mandate issued in *Dr. Subhash Kashinath* (supra) which no more prevails. The provisions were already in section 18 of the Act with respect to anticipatory bail.

10. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make

out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (I) shall not apply. We have clarified this aspect while deciding the review petitions.”

Having heard the arguments of both sides, in order to ascertain the existence or non-existence of the prima facie materials to constitute the offences under provisions of SC & ST (PoA) Act, this court has gone through the facts and circumstances of this case and contents of the complaint, wherein it is found allegations of assault, mischief, life threat, outraging the modesty of a woman and abused in a filthy language by taking her caste, but the said allegations are denied by the petitioners. From the perusal of the F.I.R., and complaint, the alleged incident took place on 23.05.2026 and the complaint was filed on 27.05.2026 and hence, there is delay of 4 days in filing the complaint. Further, the complaint discloses that, there was a sale-purchase transaction between the parties. Determination of the case attributed against the petitioners is the matter of

trial. The petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, the petitioners are entitled for bail. Under the circumstances of this case, this Court is of the opinion that, to advert to the observations made by the Hon'ble High Court of Karnataka in the similar case regarding the consideration of prima facie case and the allegation of atrocity at the time of granting bail which reads as follows:-

Crl. Petition No.3620/2020 dated 08-09-2020 their Lordship has clearly held that merely for the reasons that some abusive words touching the caste of the informant is written in the complaint, it is difficult at this stage that an incident is in the nature of subjecting the member of scheduled caste and scheduled tribe into atrocity and consequently held that the prima facie case is not made out unless the proof of the same in full pledged trial and consequently granted the anticipatory bail to the petitioners with conditions.

Whereas in this case, the alleged incident of abuse by taking caste name are alleged. On perusal of the

prosecution story, it is forthcoming that, the petitioners have assaulted the complainant, abused her in filthy words by taking her caste name, outraging her modesty, committed mischief and also threatened her with dire consequences. There is a civil dispute between the complainant and the petitioners with regard to sale-purchase of lands and taking the advantage of the same, this false case has been filed by the complainant. Taking consideration of these circumstances, the intention, if any, possessed by the petitioners against the complainant and the intention to humiliate the complainant in the name of the caste is a matter of trial. Therefore, mere insertion of blame with the name of caste for the alleged incident cannot be considered as prima facie case to constitute the offences under the provisions of SC & ST (PoA) Act and it is to be ascertained only during the course of evidence. Therefore, this court holds that, this petition is fit to entertain for anticipatory

bail and the bar under Section 18 of the Act does not apply to the case on hand.

10. Now coming to the other aspects of the alleged incident regarding the offences punishable under Sections 115(2), 324(2), 351(2), 76, 352, 74 R/w. Sec.3(5) of BNS. The alleged offences are not punishable with death or imprisonment for life. The prosecution story states that, the petitioners have assaulted the complainant and had outraging her modesty and abused the complainant by taking her caste name and threatened her with dire consequences. Therefore, at this stage, taking into consideration of total denial of the alleged incident, without touching the merits of the case and for the reasons stated in the petition, the reasons of the bail petition to grant anticipatory bail are fit for acceptance. This Court has also considered the facts of the case keeping in mind the principles laid down by the **Hon'ble Apex Court** in the case of **Sushila Agarwal &**

Others v. State (NCT of Delhi) & Another reported in **(2020) 5 SCC 1** and in view of the principles laid down in the above citations, the apprehension of the prosecution can be met by imposing suitable conditions to ensure their co-operation for investigation and also to safeguard the apprehensions of the prosecution in the interest of justice and accordingly, point No.1 is answered in the **Affirmative.**

11. **POINT NO.2:-** In view of my findings on point No.1, I proceed to pass the following:

ORDER

The bail petition filed by the petitioners/accused under Section 482 of BNSS is allowed.

The respondent police are directed to release the petitioners in the event of their arrest in Kolar DCRE P.S., Crime No.15/2026 by obtaining their personal bonds to the tune of Rs.50,000/- (Rupees fifty thousand) each, with one surety for

the likesum, subject to the following conditions:

1. The petitioners/accused shall appear before the Investigating Officer within 10 days from today and co-operate for the purpose of investigation and also directed to appear before the Investigating Officer as and when called for.
2. The petitioners shall not threaten the complainant and shall not tamper the prosecution witnesses in any manner.
3. The petitioners shall furnish attested copies of documents in support of proof of their identity and residential address.
4. The petitioners shall not indulge in any criminal activities.

If any of the bail conditions are violated, the prosecution is at liberty to move for cancellation of bail.

(Dictated to Stenographer Grade -I directly on computer, typed by her, revised, corrected by me and then pronounced in the open Court on this the **11th Day of June 2026**)

(MAYANNA B.L.)
II Addl. District & Sessions Judge,
Kolar.