

**IN THE COURT OF THE V ADDL. DISTRICT & SESSIONS  
JUDGE, MANDYA**

**PRESENT: Smt. Manjula Itty, B.A.L., LL.B.,**  
C/c V Addl. District & Sessions Judge,  
Mandya.

**Dated: 15<sup>th</sup> day of April, 2026**

**Crl.Misc. Case No.229/2026**

**Petitioners:**

1. Mr. D. Kiran, (A1)  
S/o Prabhakar Doddale,  
Aged about 40 years,  
R/o # 15, 1<sup>st</sup> Floor,  
Sadasivaiah Layout,  
Thindlu Main Road,  
Vidyaranyapuram,  
Near Harsha Bakery,  
Bengaluru.

2. Mr. Abhishek, (A2)  
S/o Nanjaiaiah K.N.,  
Aged about 31 years,  
R/o # 27, Kasaba Hobli,  
Maregowdanadoddi,  
Sugganahalli,  
Ramanagara District.

**(By Shri. N. Mudduraju, Advocate).**

**Vs.**

**Respondents:** 1. The State by Srirangapattana Rural  
Police, Srirangapattana

2. Nithesh,  
S/o Late. Swamy E.,  
Aged about 32 years,  
R/o 12<sup>th</sup> Cross,  
Chamundeshwari Nagara,  
Mandya city, Mandya.

**(R1 & R2 Represented by Sri. H.C. Rajesh,  
Special Public Prosecutor, Mandya)**

**ORDER ON ANTICIPATORY BAIL APPLICATION FILED  
UNDER SECTION 482 OF THE BHARTIYA NAGARIK  
SURAKSHA SANHITA, 2023.**

The petitioners have filed this bail application U/Sec.482 of B.N.S.S. praying for an order to grant anticipatory bail in their favour in Crime No.41/2026 for offences punishable under Sections 189(2), 115(2), 352, 351(2), 351(3) R/w Sec.190 of Baratiya Nyaya Sanhita (hereinafter referred to as the BNS in short) and U/Secs.3(1)(r), 3(1)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (hereinafter referred to as the SC & ST (PoA) Act in short).

2. On the basis of the information given by the *de-facto* complainant, the 1<sup>st</sup> respondent police have registered a case against the petitioners and others under the above

mentioned sections. The petitioners claim innocence, they have been falsely implicated in the said case and contend that they have not committed any offences as alleged in the complaint and it is only a fictitious story of the complainant. Now the petitioners being the A3 and A5 are apprehending arrest in the hands of the 1<sup>st</sup> respondent. Hence, the petitioners are constrained to file this petition and pray to allow the petition.

3. The brief facts of the prosecution case are that,

the petitioners with the knowledge that the victim belongs to SC community on 15.12.2025 at 9.00 p.m., when he was going to shop to bring groceries, abused him in filthy language raising his caste name and assaulted him with the stone on his face causing the loss of two teeth.

Hence, he filed complaint before Srirangapatna Rural Police Station and FIR came to be registered for offences punishable under Sections 189(2), 115(2), 352, 351(2),

351(3) R/w Sec.190 of BNS and U/Secs.3(1)(r), 3(1)(s) of SC and ST (PoA) Act.

4. Learned Special Public prosecutor was notified of the petition and he files objection to this bail application in detail submitting that this application is not maintainable in law or on facts and for the reasons stated in the objection he has prayed for dismissal of the application.

5. Heard the arguments of the learned counsel for petitioners, the learned Special Public Prosecutor and also the respondent on the bail application.

7. Perused the relevant materials on record. Now, the points that arise for my consideration are:

1. Whether the petitioners have made out sufficient grounds for grant of anticipatory bail in their favour at this stage?
2. What order?

8. After hearing the arguments and on considering the relevant materials on record, my findings on the above points are as hereunder:

Point No.1 : In the ***Affirmative***,

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

### **REASONS**

9. **Point No.1:** The learned counsel for petitioners during the course of his arguments submit that petitioners are innocent and they have not committed any offence and a false case has been registered against them. He further argues that, absolutely no prima-facie case against the petitioners to believe that they have committed any kind of offences as alleged and the allegations made in the complaint are all false and concocted in order to harass the petitioners. He further argues that, the dispute between the complainant and A1 is purely civil in nature relating to the possession and tenancy of the shop premises and these petitioners are no way connected the said shop and there is no specific allegations made against the petitioners regarding insult the complainant by taking his caste and moreover these petitioners are not the partners of A1 and they never abused the complainant by taking his caste any

point of time. He further argues that, there is an inordinate delay in lodging the complaint. He further argues that, petitioner No.1 is senior citizen and suffering from B.P., Sugar and other ailments. He further argues that the petitioners are having deep roots in the society and they are law abiding citizens and they are permanent residents of address as mentioned in the cause title and there are no chances of petitioners to flee away from the justice. He further argues that, the alleged offences are not punishable with death or imprisonment for life. He further argues that the petitioners are ready to co-operate with the investigation in the above case with the investigating officer for any investigation purpose. He further submits that the petitioners are ready and willing to abide by any conditions that would be imposed by this court. Hence, prays to allow the application.

10. As against this, the Learned Special Public Prosecutor filed objections and in his arguments submits that the matter is still under investigation and the custodial

interrogation of the petitioners are necessary for the investigation of this case. He further submits that, there are *prima-facie* materials in the complaint averments to attract the offences under the provisions of SC and ST (PoA) Act and hence, Sec.18 of the said Act comes into play which prohibits granting anticipatory bail to the persons accused of offences under the said Act. He further submits that if the petitioners are granted anticipatory bail at this stage there is every chance of them to abscond from the jurisdiction of this Court, intimidate the witnesses and tamper with the evidences collected and hence the petitioners are not entitled to be granted with anticipatory bail. To buttress his arguments the learned counsel for accused has relied upon the following authorities.

**a. Charan B.S and another Vs. State of Karnataka and another of Honble High Court of Karnataka in Criminal Appeal No.1999/2025 dated 13.11.2025,**

**b. Malleshappa @ Mallesha Vs State of Karnataka and another of Honble High Court of Karnataka in Criminal Appeal No.1803/2025, dated 08.10.2025,**

**c. Devaraj K.P. Vs State of Karnataka and another of Honble High Court of Karnataka in Criminal Appeal No..2201/2025 dated 20.011.2025,**

**d. Udaya @ Sharavan L Vs. The State of Karnataka of the Hon'ble High Court of Karnataka in Criminal Appeal No.2435/2024, dated 30.01.2025,**

**e. Sri. Rangashetty and others Vs. State by Chamarajanagara Rural P. S of the Hon'ble High Court of Karnataka in Criminal Appeal No.1993/2025 dated 16.10.2025**

**f. R. Ravikumar Vs. State of Karnataka of the Hon'ble High Court of Karnataka in Criminal Appeal No.643/2025, dated 22.04.2025**

11. The learned counsel for petitioners in reply submits that, there is no averment in the complaint and the prosecution materials that, the offence is committed in a place within the public view and also there is no averment that, the petitioners have committed the offence with the

intention to insult or humiliate the complainant only on the ground that, he belonged to Scheduled Caste or Scheduled Tribe community and therefore, the embargo of Section 18 does not attracts in this case.

12. At the stage of consideration of anticipatory bail what the Court is normally required to consider are:

- i. The nature and seriousness of the accusation
- ii. Severity of the offences
- iii. Nature of evidences collected and the character and behaviour of the accused.
- iv. Chances of the accused absconding and being available during trial.
- v. Possibility of repetition of crime.
- vi. Chances of the accused tampering with the evidence and witnesses.
- vii. Larger interest of the people and the State.

13. Now, the material question that arises for consideration of this court is, whether the petitioners are entitled for anticipatory bail in view of the specific bar mandated under section 18 and 18(a) of SC and ST (PoA) Act, 2015. The Hon'ble Supreme Court in **Prathvi Raj**

**Chauhan vs Union Of India** reported in **2020 AIR (SC) 1036** has held that, Sections 18 & 18A of SC and ST (PoA) Act is not a bar for granting anticipatory bail if the circumstances are such that there exists no *prima-facie* case against the accused. If the complaint does not disclose, clear caste based attack which means existence of a clear intention to insult or humiliate a member of SC or ST Community or to commit a crime in the nature of atrocity to target a person, just because he belongs to that caste. Therefore, in the instant case, from the available records at this stage, the ingredients of section 3(1)(r)(s) of the said Act is not *prima-facie* found to exist. Further, assuming that even if *prima-facie* case with respect to other offences are made out in the complaint and report, those offences are not exclusively punishable with death or imprisonment for life. The prosecution has not placed any materials to show that the custodial interrogation of the petitioners would be necessary for the further investigation of this case, even though the learned Special Public

Prosecutor has stated this as one of the grounds for rejecting the anticipatory bail and such being the situation, the apprehension of the petitioners that they may be arrested by the respondent-police is sufficient to entertain this application. Therefore, without touching the merits of the case and the arguments put forth by the learned counsel for petitioners can be appreciated and they are entitled to the benefit of anticipatory bail. The apprehension of the prosecution could be met by imposing suitable conditions and no prejudice will be caused to the investigating agency in case anticipatory bail is granted to the petitioners. Accordingly, I answer the point taken for consideration *in the affirmative*.

14. **Point No.2:** From the discussion made herein above, it is clear that this petition deserves to be *allowed*. In the result, this Court proceeds to pass the following-

### **ORDER**

This anticipatory bail application filed U/Sec.482 of BNSS., by the **Petitioners/ A3 and A5**, is hereby allowed.

The Investigating Officer in the event of causing arrest of the ***Petitioners***, in connection with **Crime No.41/2026** registered by the **Srirangapattana Rural Police Station** for the offences punishable U/Secs.189(2), 115(2), 352, 351(2), 351(3), R/w Sec.190 of BNS and U/Secs.3(1)(r), 3(1)(s) of SC and ST (PoA) Act, shall release the ***Petitioners***, on bail on their executing personal bond in a sum of **Rs.1,00,000/- (Rupees One Lakh only)** each with one surety for the like sum to the satisfaction of the investigating officer with the following conditions.

1. The ***Petitioners*** shall surrender before the investigating officer on or before **30.04.2026** and co-operate with the further investigation of this case.

2. The ***Petitioners*** shall appear before the Investigating Officer on 1<sup>st</sup> Sunday of every month till the completion of the investigation and also as and when directed by the Investigating officer till the filing of the Final Report.

3. The ***Petitioners*** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and shall not tamper with the prosecution witnesses.

4. The **Petitioners** shall not leave India without prior permission of this Court.

5. That the **Petitioners** shall furnish their permanent residential address to SHO of Srirangapattana Rural Police Station.

Office to keep this Crl.Misc.Case along with the file of Crime No.41/2026 of Srirangapattana Rural Police Station.

(Dictation Typed by the Stenographer directly in the Computer, corrected and then pronounced by me in the Open Court, this the **15<sup>th</sup> day of March, 2026**)

**(MANJULA ITTY)**

C/c V Additional District & Sessions Judge,  
Mandya.

Order pronounced in the open Court  
(Vide separate Order)

**ORDER**

This anticipatory bail application filed U/Sec.482 of BNSS., by the **Petitioners/A1** and **A2**, is hereby allowed.

The Investigating Officer in the event of causing arrest of the **Petitioners**, in connection with **Crime No.306/2025** registered by the **KR Pet Rural Police Station** for the offences punishable U/Secs.118(1), 352, 115(2) R/w Sec.3(5) of BNS and U/Secs.3(1)(r), 3(1)(s) of SC and ST (PoA) Act, shall release the **Petitioners**, on bail on their executing personal bond in a

sum of **Rs.1,00,000/- (Rupees One Lakh only)** each with one surety for the like sum to the satisfaction of the investigating officer with the following conditions.

1. The **Petitioners** shall surrender before the investigating officer on or before **17.01.2026** and co-operate with the further investigation of this case.

2. The **Petitioners** shall appear before the Investigating Officer on 1<sup>st</sup> Sunday of every month till the completion of the investigation and also as and when directed by the Investigating officer till the filing of the Final Report.

3. The **Petitioners** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and shall not

tamper with the prosecution witnesses.

4. The **Petitioners** shall not leave India without prior permission of this Court.

5. That the **Petitioners** shall furnish their permanent residential address to SHO of KR Pet Rural Police Station.

Office to keep this Crl.Misc.Case along with the file of Crime No.306/2025 of KR Pet Rural Police Station.

**C/c V Additional District & Sessions Judge,  
Mandya.**

