



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 132 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. MR CHANDRA KUMAR M
AGED ABOUT 34 YEARS,
S/O NARAYANAPPA,
R/AT BEECHAGANAHALLI VILLAGE,
SOMENAHALLI HOBLI,
CHIKKABALLAPURA TALUK-562 104.

...APPELLANT

(BY SRI. MOHANA CHANDRA P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY GUDIBANDE POLICE STATION,
CHIKKABALLAPURA DISTRICT,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
VIDHANA SOUDHA,
BANGALORE -1.
2. MR. GANGARAJU B.,
AGED ABOUT 30 YEARS,
S/O LATE DODDA ANJINAPPA,
R/AT BEECHAGANAHALLI VILLAGE,
SOMENAHALLI HOBLI,
CHIKKABALLAPURA TALUK-562 104.

...RESPONDENTS

(BY SRI.B.LAKSHMAN, HCGP FOR R1
SRI.N.DEVENDRA, ADVOCATE FOR R2)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT
BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS





HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DTD 22.12.2025 PASSED BY THE COURT OF 1st ADDL. DISTRICT AND SESSIONS JUDGE, AT CHIKKABALLAPURA IN CRL.MISC.NO.710/2025 AND ENLARGE THE APPELLANT ON BAIL IN SPL.C.NO.140/2025, PENDING ON THE FILE OF 1st ADDL. DISTRICT AND SESSIONS JUDGE, AT CHIKKABALLAPURA, FOR THE OFFENCES P/U/S 105, 238(B) OF BNS, U/S 3(2)(v) OF SC/ST (POA) ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order passed by the I Addl. District and Sessions Judge, Chikkaballapura in Crl. Misc. No.710/2025 dated 22.12.2025.

2. The brief fact leading to this appeal are that, on the basis of the complaint filed by the complainant- Gangaraju B.A, Gudibande Police have registered the case in Crime No.134/2025 against accused/Appellant- Chandrakumar.N and other unknown persons for the offence under Section 103, 238(b), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1)(r)(s),



3(2)(v) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

3. After investigation, Investigating Officer has submitted the charge-sheet against only the accused-Chandrakumar.N and other unknown accused are dropped for the offence punishable under Section 105, 238(b) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(2)(v) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

4. The Investigating Officer has arrested the accused on 11.09.2025 and he was remanded to judicial custody. Application was filed under Section 483 of BNSS, 2023 and same came to be rejected on 22.12.2025. Being aggrieved by this order, the appellant has preferred this appeal.

5. The learned counsel appearing on behalf of the appellant would submit that absolutely there are no grounds to believe that the appellant has committed the



alleged offences and the same are not punishable with death or imprisonment for life. The maximum punishment for the offence under BNSS is 10 years only. The necessary ingredients of offence under SC/ST (Prevention of Atrocities) of Act is not applicable to the facts of the case in hand. Police have deliberately and intentionally invoked the penal provisions of SC/ST (Prevention of Atrocities) Act, to see that the appellant shall not be granted on bail by the Court. Except the allegation that the deceased belongs to Scheduled Caste and the appellant belongs to Ediga caste, there is no allegation are made out against the appellant to attract the penal provision of SC/ST(Prevention of Atrocities) Act, 2015.

6. The appellant is married and having wife and children aged 11 and 13 years and he is the sole bread earner in the family. Even the offence under Section 105 is also not applicable to the case on hand. At most the alleged offence attracts under Section 106 of BNS, 2023, which is punishable with only two years, which may



extend up to 5 years and the alleged offences are bailable in nature. On all these grounds, sought for allowing this appeal.

7. As against this, the learned counsel for respondent No.2 and learned High Court Government Pleader would submit that, the trial Court has properly appreciated the materials on record in accordance with law and facts and sought for dismissal of the appeal.

8. I have examined the materials placed before this Court. On the basis of the complaint filed by the complainant-Gangaraju B.A, Gudibande Police have registered the case in Crime No.134/2025 against accused/appellant and others for the offence punishable under Section 103, 238(b), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1)(r)(s), 3(2)(v) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.



9. After investigation the Investigating Officer has submitted the charge-sheet against accused-Chandrakumar.N only for the offence punishable under Section 105, 238(b) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(2)(v) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

10. The alleged commission of offences are not punishable with death or imprisonment for life. The accused is not required for further investigation as the Investigating Officer has already submitted the charge-sheet against the accused.

11. Considering the facts and circumstances of the case, nature and gravity of offences as well as the antecedents of the accused/appellant, it is just and proper to allow this appeal. Hence, I proceed to pass the following:

ORDER

- i) Appeal is allowed.



ii) The order passed by the I Addl. District and Sessions Judge, Chikkaballapura in Crl. Misc. No.710/2025 dated 22.12.2025 is set aside. Consequently, application filed under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 is allowed, subject to following conditions:

a) Appellant shall be released on bail upon executing a self bond of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the trial Court.

b) Appellant/accused shall not tamper or threaten the prosecution witnesses in any manner.

c) Appellant/accused shall appear before the trial Court on all dates of hearing.

Registry is directed to send the copy of this order to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE