



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 225 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. JACOB AROOP C
S/O. SUMANTH C
AGED ABOUT 34 YEARS,
R/AT NO.26-1-683,
SHIVALAYAM STREET,
B V NAGAR, NELLURU POST,
ANDHRA KESHARI NAGAR,
NELLURU DISTRICT,
ANDRAPRDESH- 524004.

...APPELLANT

(BY SRI. PAVAN KUMAR G., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY DCRE EAST POLICE STATION
BANGALORE,
REPRESENTED BY S.P.P.,
HIGH COURT PREMISES,
BANGALORE-01.
2. THUMMATATI NAVYA,
D/O. T. VENU GOPAL,
AGED ABOUT 27 YEARS,
R/AT. HIMAVASU LUXURY
P.G FOR WOMEN,
AMRUTHNAGAR,
HEBBAL,
BANGALORE-560 092.





...RESPONDENTS

(BY SMT. N. ANITHA GIRISH, HCGP FOR R1;
SRI. TIMOTHY CHARLES, ADVOCATE FOR R2)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DATED 02.02.2026 IN CR NO.1/2026 PASSED BY THE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE BENGALURU DISTRICT AND ENLARGE HIM ON BAIL IN CR NO.1/2026 PENDING ON THE FILE OF THE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU REGISTERED WITH DCRE EAST POLICE STATION FOR OFFENCES P/U/S 352, 85, 88, 115(2), 117(2), 351(2), 351(3) R/W 3(5) OF BNS ACT AND 3(1)(r), 3(1)(s) AND 3(2)(va) OF SC & ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

Appellant has preferred this appeal against the order passed by the LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru (CCH No.71) in Crime No.01/2026 dated 02.02.2026.



2. The brief facts leading to this appeal are that on the basis of the complaint filed by the victim/complainant, Bengaluru City East DCRE Police have registered the case in Crime No.01/2026 against accused Nos.1 to 3 for the commission of offence punishable under Sections 352, 85, 88, 115(2), 117(2), 351(2), 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'the BNS, 2023') and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as 'the SC and ST (PoA) Act'). During the course of investigation, Investigating Officer has arrested the accused on 10.01.2026 and produced before the Special Court. The Special Court has remanded the accused to judicial custody. The appellant had filed an application under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS') . Same was rejected by the Trial Court. Being aggrieved



by the order of the Trial Court, the appellant has preferred this appeal.

3. After issuance of notice to respondent No.2, respondent No.2 appeared through her counsel and filed memorandum of objection. On perusal of the complaint it is clear that the accused is the husband of the complainant. The commission of alleged offence are punishable under Section 85 of the BNS with imprisonment for a term which may extend to three years and shall also be liable to fine.

4. The commission of alleged offence under Section 88 of the BNS is punishable with imprisonment of either description for a term which may extend to three years or with fine or with both and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.



5. The offence under Section 352 of the BNS is punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

6. The offence under Section 117(2) of BNS is punishable with imprisonment which may extend to seven years, and shall also be liable to fine.

7. The offence under Section 351(2) of BNS, which may extend to two years, or with fine, or with both and Section 351(3) of the BNS is punishable with imprisonment for a period of seven years, or with fine or both.

8. The other penal provisions punishable under Section 3(1)(r) and 3(1)(s) and 3(2)(va) of the SC and ST (PoA) Act are punishable with imprisonment for not less than six months, but may extend to five years, or with fine.



9. It is alleged in the complaint that the complainant and the accused were in love and they got married on 16.04.2016. The accused is not required for custodial interrogation. The accused is in judicial custody for a period of 45 days from the date of his arrest. The Trial Court has observed in paragraph No.13 of the impugned order that, on perusal of the materials it indicates that several other cases are also registered and charge sheet is filed against the petitioner before various Courts at Ponneri. In this regard, the learned counsel for the appellant has submitted that the appellant was acquitted in Calendar Case No.16/2010 dated 28.03.2019 on the file of the Judicial Magistrate-I at Ponneri. In another Judgment i.e., C.C.No.17/2010 dated 28.03.2019 on the file of the Judicial Magistrate No.1 at Ponneri, reveals that the present accused is acquitted for the offence under Section 379 IPC.



10. Considering the nature and gravity of offences, relationship between the accused and the complainant, the offences are not punishable with death or imprisonment for life. I am of the opinion that it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

- (i) Appeal is allowed.
- (ii) The order passed by the LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru in Crime No.01/2026 dated 02.02.2026 is set aside. Consequently, application filed under Section 483 of the BNSS is allowed.
- (iii) The appellant shall be released on bail on executing a self bond of Rs.1,00,000/- with one surety for like sum to the satisfaction of the Trial Court.
- (iv) The appellant shall not tamper or threaten the prosecution witnesses in any manner.
- (v) The appellant shall not indulge in similar offences.



NC: 2026:KHC:11734
CRL.A No. 225 of 2026

The registry is directed to send the copy of this
order to the Trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

GSR,List No.: 1 SI No.: 41