



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 235 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI HARISH KUMAR
S/O. RAVI K.A.,
AGED ABOUT 34 YEARS,
R/AT. LIG-2, CALILCUT ROAD
1ST WARD, HSM NAGAR,
GUNDLUPETE TOWN
CHAMARAJANAGAR - 571 111.

...APPELLANT

(BY SRI. GAURAV SUBRAMANYAM., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
GUNDLUPETE P.S
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.
2. SMT. RAKSHITHA,
W/O. SIDDARTH
AGED ABOUT 22 YEARS,
R/AT RAGHAVAPURA VILLAGE,
GUNDLUPETE TALUK,
CHAMARAJANAGAR - 571 111.

...RESPONDENTS

(BY SMT. N. ANITHA GIRISH, HCGP FOR R1;
R2 SERVED AND UNREPRESENTED)





THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE DISMISSAL ORDER IN CRL.MISC.NO.12/2026 DATED 20.01.2026 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE COURT, AT CHAMARAJANAGAR AND ENLARGE THE APPELLANT ON ANTICIPATORY BAIL IN CR.NO.358/2025 FILED BY THE RESPONDENT NO.1 IN GUNDLUPETE P.S., FOR THE OFFENCES P/U/S 75, 351(2) OF BNS, U/S 3(1)(W), 3(1)(R)(S) OF SC/ST ACT, PENDING ON THE FILE OF HONBLE PRL. DISTRICT AND SESSIONS JUDGE COURT, AT CHAMARAJANAGAR IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ADMISSION, 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 Principal District and Sessions Judge, Chamarajanagara in Crl.Misc.No.12/2026 dated 20.01.2026.

2. The brief facts leading to this appeal are that on the basis of the complaint filed by complainant-Rakshitha, Gundlupete Police have registered the case in Crime No.358/2025 against the accused-Harish for the commission of offence under Sections 75, 351(2) of Bharatiya Nyaya Sanhita (for brevity, 'the BNS') and Section 3(1)(w), 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'the SC/ST (PoA) Act, 1989').



3. The appellant has filed application under Section 482 of BNSS for grant of anticipatory bail and same came to be rejected. Being aggrieved by this order, the appellant has preferred this appeal.

4. I have examined the materials placed before this Court.

5. Prior to the FIR, Harish Kumar, who is the present appellant herein had filed a complaint under Section 223 of Bharatiya Nagarik Surksha Sanhita, 2023 (for brevity, 'the BNSS, 2023') read with Section 138 of Negotiable Instruments Act. The case was registered in P.C.R.No.57/2025.

6. It is submitted that the Trial Court has taken cognizance against respondent No.2 and the case was registered in C.C.No.1080/2025 on the file of the Principal Civil Judge and JMFC, Gundlupet and summons was issued to the accused. Thereafter, the present respondent No.2 had filed complaint against the accused. In the complaint it is also referred to the disputed cheque. The dispute between the accused and the complainant is in respect of a cheque in question. Hence, at this stage, that there are no *prima facie*



materials to constitute the offence under the Penal Provisions of the SC/ST (PoA) Act, 1989.

7. Even after lapse of 60 days, from the date of FIR, the IO has not submitted the charge sheet against the accused as required under Sub-Rule (2) of Rule 7 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (for brevity, 'the Rules, 1995'). The IO has not submitted any explanation as required under Sub-Rule (2A) of Sub-Rule (2) of Rule 7 of the Rules, 1995. The alleged commission of offences are not punishable death or imprisonment for life.

8. Considering the nature and gravity of the offence and antecedent of the appellant, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The impugned order passed by the Principal District and Sessions Judge, Chamarajanagara in Crl.Misc.No.12/2026 dated 20.01.2026 is set aside.



iii. Consequently, the application filed under Section 482 of the BNSS is ***allowed***.

iv. The accused/appellant shall be released on bail on executing a self bond of Rs.50,000/- with one surety for likesum to the satisfaction of the Investigation Officer in the event of his arrest in Crime No.358/2025 of Gundlupete Police.

v. The appellant shall not tamper or threaten the prosecution witnesses in any manner.

vi. The appellant shall assist the Investigation Officer for his investigation.

vii. The appellant shall not indulge similar offence.

**Sd/-
(G BASAVARAJA)
JUDGE**