



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO. 424 OF 2026 (U/S 14(A) (2))

BETWEEN:

SHIVAKUMAR R @ KUMAR
S/O RAMESH D.
AGED ABOUT 27 YEARS,
OCCUPATION COMPUTER OPERATOR
IN VRL OFFICE.
R/AT BASAPURA ROAD,
LBS NAGARA,
BAMBOOBAZAR,
DAVANAGERE-577001.

...APPELLANT

(BY SRI. DINESHKUMAR RAO K.,ADVOCATE AND
MS. POOJA KATTIMANI., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY DAVANGERE RURAL POLICE STATION
DAVANAGERE-577001
(REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU 560 001)
2. MAHARUDRAPPA



S/O LATE. NAGAPPA,
AGED ABOUT 66 YEARS,
R/AT GUMMANURU VILLAGE,
DAVANAGERE TALUK,
DAVANAGERE-577512.

...RESPONDENTS

(BY SRI.VINAY MAHADEVAIAH., HCGP FOR R1;
MS. RAJESWARI R.R., ADVOCATE FOR R2)

THIS CRIMINAL APPEAL IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 18.02.2026 PASSED BY II ADDL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN CR.NO.46/2026 OF DAVANAGERE RURAL POLICE STATION, DAVANAGERE AND BE PLEASED TO ALLOW THE APPEAL AND ENLARGE THE APPELLANT ON BAIL IN CR.NO.46/2026 OF DAVANAGERE RURAL POLICE STATION, DAVANAGERE, PENDING ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE (REGISTERED FOR OFFENCES P/U/S 115(2), 126(2), 108, 352 R/W 3(5) OF BNS 2023 AND U/S 3(1)(s), 3(1)(s), 3(2)(v-a) (POA) OF SC AND ST ACT 1989.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

This appeal is by accused No.1 being aggrieved by the order dated 18.02.2026 passed in Davanagere Rural Police Station Crime No.46/2026 on the file of the II Additional District and Sessions Judge, Davanagere,



rejecting the application filed under Section 483 of BNSS 2023, seeking relief of bail for the offences punishable under Sections 115 (2), 126(2), 108, 352, read with Section 3(5) of BNSS 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v-a), 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. A complaint dated 27.01.2026 came to be filed by respondent No.2 - de facto complainant alleging that his son Harish was married to one Saraswathi on 09.11.2025. That there were frequent quarrels between them which were ignored initially as a normal course. That on 23.01.2026, said Saraswathi had gone out on the pretext of going to a Temple but did not return. A complaint was lodged before the jurisdictional police on 25.01.2026. The police had summoned Harish, complainant and his family members for conciliation. During the conciliation, said Saraswathi had declined to join the said Harish. Accordingly, complainant and Harish returned home. That on 26.01.2026 at about 10.00 a.m.,



accused/appellant herein and others had abused Harish in filthy language and in the name of his caste. He was even assaulted which was witnessed by Srinivas, Basavaraj and Parameshi. Accused had stated that he was in love with his wife Saraswathi for over ten years. The said incident was informed to the complainant by said Srinivas. Harish thereafter confided with the complainant that it was not possible for him to go to Davanagere as he was threatened with dire consequences by the accused and that he had decided to put to an end to his life. That the complainant advised him that if he was not intending to live with Saraswathi, a panchayat could be convened. That on 26.01.2026 at about 7.00 p.m., Harish had sent a text message through Whatsapp to his sister Shivakumari who had informed the complainant and expressed apprehension of he taking extreme step. Being apprehensive of his safety, complainant and others searched for his whereabouts. At about 7.15 p.m., one



Vasantha had informed the complainant that his son Harish hanged himself near his field.

3. Thus alleging that Saraswathi, Kumara, the appellant herein Ganeshappa and Anjanamma being responsible for his death, action was sought to be taken against them. Based on the said complaint the case was registered in Cr.No.46/2026 for the offences noted herein above.

4. Accused/appellant was arrested on 29.01.2026. Charge sheet has not been filed till date. The trial Court has rejected the bail application on the premise of there is likelihood of accused absconding and also possibility of he interfering with the investigation and tampering with the prosecution witnesses.

5. Learned counsel for the appellant submits that the appellant is working as a Computer Operator at VRL Office in Davangere and he hails from a respected family



owning landed properties and there is no likelihood of he fleeing the place. He further submits that the complaint does not disclose any material, much less the *prima facie* material, warranting implication of the accused/appellant herein for the offences punishable as noted above, more particularly under Section 108 of BNS 2023. He also submits that the complaint also does not disclose commission of offence punishable under Section 3(r)(s) and (v) of the SC/ST (POA) Act, as there is no indication of he using any specific term referring to the caste of the deceased. Therefore, he submits that the appellant is entitled to be released on bail. He submits that appellant is ready and willing to abide by any condition that may be imposed by this Court.

6. Learned HCGP on the other hand submits that on the very same day, another case in Cr.No.47/2026 has been registered apparently on accused threatening one Rudresh, maternal uncle of Harish, he having committed suicide, apparently on the threat exerted by the accused



herein. He further submits that if the accused is enlarged on bail, there is likelihood of he interfering in the investigation process.

7. Smt.Rajeswari.R.R learned counsel appearing for the defacto-complainant, on the other hand, opposing the grant of bail, submits that it is only due to the threat exerted by the accused/appellant, two innocent lives have gone. There is a *prima facie* material regarding accused being cause of their deaths and opposes for release of the accused.

8. Heard. Perused the records.

9. The Apex Court in the case of **M.ARJUNAN VS. STATE** reported in **(2019) 3 SCC 315**, while expounding the ingredients of Section 306 of IPC, has held as under:

"7. *The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to*



commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C."

10. The Apex Court in the case of **PATEL BABUBHAI MANOHARDAS AND OTHERS VS. STATE OF GUJARAT**, reported in **2025 SCC OnLine 503** at paras 16 and 18, has held as under:

"16. Therefore, the crucial word in Section 306 IPC is 'abets'. 'Abetment' is defined in Section 107 of IPC. As per Section 107 1PC, a person would be abetting the doing of a thing if he instigates any person to do that thing or if he encourages with one or more person or persons in any conspiracy for doing that thing or if he intentionally aids by any act or illegal omission doing of that thing. There are two explanations to Section 107. As per Explanation 1, even if a person by way of wilful misrepresentation or concealment of a material fact which he is otherwise bound to disclose voluntarily causes or procures or attempts to cause or procure a thing to be done, is said to instigate the doing of that thing. Explanation 2 clarifies that whoever does anything in order to facilitate the commission of an act, either prior to or at the time of commission of the act, is said to aid the doing of that act.

18. In Ramesh Kumar v. State of Chhattisgarh, this Court held that to 'instigate' means to goad, urge, provoke, incite encourage to do 'an act'. To satisfy the requirement of 'instigation', it is not necessary that actual words must be used to that effect or that the words or act should necessarily and specifically be suggestive of the consequence. Where the accused by his act or omission or by his continued course of conduct creates a situation that the deceased is left with no other option except to



commit suicide, then 'instigation' may be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be 'instigation'."

11. Viewed in the light of the aforesaid principles of law, the allegations made in the complaint, as noted above, indicate that there have been frequent quarrels between the deceased and wife resulting in Panchayat being convened. The wife of the deceased had gone out without informing which eventually led to filing of police complaint. It is on record that during conciliation wife of deceased had refused to join the matrimonial home. Deceased was allegedly abused and assaulted by the accused/appellant on 26.01.2026 at about 10.30 a.m. which was witnessed by Srinivas and Rudrappa.

12. The deceased Harish had thereafter informed his father of he not being able to go to Davanagere and being humiliated intended to commit suicide. The complainant had apparently advised him that if the deceased did not want his wife Saraswathi, Panchayat



would be arranged. It is thereafter in the evening at 7.00 p.m. deceased purported to have sent a death note on whatsapp to his sister. Deceased was subsequently found hanging in his field.

13. The contents of the complaint do not indicate accused having instigated or provoked, incited or encouraged the deceased in committing suicide. Whether refusal of the wife to join the deceased being the reason or the threat by the accused/appellant to be the reason for he committing the act of suicide is yet to be ascertained.

14. Further as regards ingredients to constitute the offence under Section 3(1)(r) and (s) of the 1989 Act, there is no specific averment in the complaint of accused using any specific terms in the name of the caste.

15. Accused is stated to be permanent resident owning landed properties. He is under confinement since 27.01.2026. Under the aforesaid facts and circumstances,



appellant has made out a *prima facie* case for grant of bail.

16. Accordingly, the following:

ORDER

1. Criminal appeal is ***allowed***;
2. The impugned order dated 18.02.2026 passed in Cr.No.46/2026 by the II Additional District and Sessions Judge, Davanagere, is set aside.
3. The accused/appellant is enlarged on bail for offences punishable under Sections 115(2), 126(2), 108, 352 r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s), 3(1)(r), 3(2)(v-a), 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 subject to the following conditions;

(a) Accused/ Appellant shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

(b) Accused/ Appellant shall appear before the jurisdictional police every Sunday between 10.00 a.m. and 6.00 p.m.



- (c) Accused/ Appellant shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- (d) Accused/ Appellant shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- (e) Accused/ Appellant shall not involve in similar offences in future;
- (f) Accused/ Appellant shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.
- (g) Communicate copy of this order to the trial Court and concerned Prison authorities forthwith.

SD/-
(M.G.S. KAMAL)
JUDGE

SA/DS