



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.513 OF 2026 (U/S 14(A) (2))

BETWEEN:

H. R. SHIVAKUMAR
S/O H. T. RAMAKRISHNEGOWDA
AGED ABOUT 53 YEARS
R/O. RAGHAVENDRA SAW MILL ROAD
GAYATHRI LAYOUT, CHANNARAYAPATNA
HASSAN-573 116

...APPELLANT

(BY SRI M. S. SHYAM SUNDAR, SR. COUNSEL FOR
SRI REVANTH P. N. AND MS. DEEPA J., ADVOCATES)

AND:

1. STATE OF KARNATAKA
the STATION HOUSE OFFICER
MADANAYAKANAHALLI POLICE STATION
REPRESENTED BY
The STATE PUBLIC PROSECUTOR
BENGALURU-01

2. SMT. ADILAKSHMI
W/O. P. L. GOPI
AGED ABOUT 42 YEARS
NO.72, 2ND MAIN ROAD, 10TH CROSS
SONNENAHALLI, VIVEK NAGARA
BENGALURU-560 047

...RESPONDENTS

(BY SRI B. LAKSHMAN, H.C.G.P. FOR R-1;
SRI RAMESHA H. N., ADVOCATE FOR R-2)





THIS CRL.A. IS FILED U/S.14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER PASSED BY THE HON'BLE II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN C.MISC NO.317/2026 ON 05.03.2026 AND DIRECT THE RESPONDENT POLICE TO RELEASE HIM ON BAIL IN THE EVENT OF HIS ARREST IN SPL.CC NO.88/2026 REGISTERED BY THE RESPONDENT MADANAYAKANAHALLI POLICE STATION, BENGALURU FOR OFFENCES P/U/S. 118(2), 127(2), 258, 120(1) R/W 3(5) OF BNS AND SECTION 3(2)(VA) OF THE SC AND ST (POA) ACT PENDING ON THE FILE OF THE 2ND ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

This appeal is by the accused No.10-appellant being aggrieved by the order dated 05.03.2026 passed in CrI. Misc. No.317/2026 by the *II Additional District and Sessions Judge and Special Judge, Bengaluru Rural District, Bengaluru (hereinafter referred to as 'the Trial Court'). By which his application filed under Section 482 of Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) seeking grant of anticipatory bail in the event of his arrest in Crime No.999/2025, registered before Madanayakanahalli Police Station, for the offences punishable under Sections 118(2), 127(2), 258, 120(1) R/w Section 3(5) of BNS and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been rejected.

**Corrected vide Chamber order dated 07/04/2026*



2. That a complaint dated 27.11.2025 came to be filed by the respondent No.2-defacto complainant before the Madanayakanahalli Police Station alleging that that on 12.11.2025 at about 1.30 a.m., when her son Darshan was sitting outside the house, two persons in their police uniform and another in color dress from Vivekanagara Police Station were assaulting him and on enquiry she was told that said Darshan had threatened some people and had even shown machete to the police officials. That thereafter the said persons had taken him on bike. That on 13.11.2025 at about 1:30 p.m., she went to the police station and she was sent away as there was no Station House Officer. That on 14.11.2025, she again went to the Police Station at 6.30 p.m., and met the Inspector who refused to let Darshan go. The respondent No.2-defacto complainant had requested the Inspector, that she would have Darshan admitted to a Rehabilitation Centre, which was also not considered. That on 15.11.2025 about 3.00 p.m., she received a call from one Pavan stating that the Inspector has agreed to send Darshan to the rehabilitation centre and asked her to arrange money for the same. When she went to the Police station, she was not allowed to meet Darshan, who was inside the lock up. That the said Darshan had requested the respondent No.2-defacto complainant to take him home. That at about 8.30 p.m., said Darshan was taken to Unit Foundation Rehabilitation Centre, Adakamaranahalli, Bengaluru North



Taluk. That on 26.11.2025, the owner of the said rehabilitation centre had called her and told that her son Darshan had passed away, complaining of breathing. When she enquired with the Inspector, she was not given proper reply. She was sent to Government Hospital, Nelamangla, where she found her son dead with injury marks all over his body. She was asked to go to Madanayakanahalli Police Station, where a case under UDR No.160/2025 was registered. It is further alleged that on 12.11.2025, Vivekanagara Police had taken her son Darshan to the police station without any reason and had physically subjected him to torture and to cover up their misdeeds had sent him to the said rehabilitation centre, where due to their negligence, said Darshan died. That illegal detention and physical torture by the Vivekanagara Police Inspector and other personnel and persons at rehabilitation centre, were responsible for his death. Hence, sought for action.

3. Thus based on the above complaint, a case in Crime No.999/2025 came to the registered for the offences noted hereinabove. In which, appellant herein has been arraigned as accused No.10.

4. Investigation of the matter has been conducted by the Deputy Superintendent of Police (H and B), CID, who has submitted his report, wherein it is stated that appellant herein was the Station



House Officer of Vivekanagara Police Station at the relevant time. That at about 01.00 a.m., of 13.11.2025, her son Darshan was brought to the police station who was in inebriated condition. That the appellant herein without registering any case against said Darshan and without even producing him before the concerned Magistrate had detained him upto 08.30 p.m. of 15.11.2025. That the said Darshan was subjected to assault by accused No.11 with lathi during initial pickup and in the police station. Thereafter, said Darshan was sent to rehabilitation center. That said Darshan had apparently tried to break the gate of the rehabilitation center and escape with other patients, who are CW.5 to CW.9. That out of anger and on instruction of accused No.1-who is the owner of said rehabilitation center, manager and staff of the said rehabilitation center, who are arraigned as accused Nos.2 to 6 and other patients of the rehabilitation center, who are arrested as accused No.7 to 9, stripped said Darshan and CW.5 to CW.9 naked and assaulted them multiple times by hands, feet, fibre lathis, clubs, belts, steel rods and plastic pipe between 23.11.2025 and 26.11.2025 and they were not provided any timely medical treatment. That due to severity of the injuries, said Darshan is stated to have died on 26.11.2025 at 10.30 a.m. Accused No.2 is stated to have instructed accused No.3 to destroy Darshan's clothes and bedding with an intention of screening the evidence.



5. Sri. M.S. Shyam Sundar, learned Senior counsel appearing for the Sri. Revanth P. N and Ms. Deepa .J, learned counsel for accused No.10-appellant herein taking this Court through the records submits;

(a) that there are no serious allegations of any overtact attributed to the accused No.10-appellant herein. That at the most he could have been alleged of dereliction of duty in not registering any case against deceased Darshan or for not producing him before the jurisdictional Magistrate. That there was no occasion for that either inasmuch as Darshan was never brought to the police station with any accusation. Circumstances were such that the accused No.10-appellant herein thought it appropriate to keep him in the Station till the situation gets normal and it was at the request of respondent No.2-defacto complainant who is the Mother of the deceased, he was sent to rehabilitation center as he was chronically addicted to alcohol.

(b) That charge sheet having been filed all the documentary evidence including the CCTV footage from the CCTV cameras maintained within the Station house, where accused No.10-appellant was in charge of having seized and made part of the charge sheet, that there is no whisper or allegation against the accused No.10-appellant of he subjecting deceased Darshan to any kind of physical assault or causing any injury.



(c) that his custodial interrogation is not envisaged in the facts situation of the case. However, accused No.10-appellant is seriously apprehensive of his imminent arrest in the light of the sections charged against him. Therefore, he submits that he deserves consideration of grant of anticipatory bail in the event of his arrest by the respondent-Police in the said crime.

(d) that accused No.10-appellant herein has been in service for over 20 years and currently in the position of Police Inspector and he is a law abiding citizen and he would abide by any conditions that may be imposed by this Court in cooperating with any further investigation required by the respondent-police.

6. Learned HCGP opposing the application for anticipatory bail submits that the accused No.10-appellant having been in the position of the Station House Officer of the concerned Police Station may utilise his power and influence to destroy the evidence causing impediment and hindrance in progress of investigation and influence the witnesses. Therefore, he submits that it is not safe to grant anticipatory bail to the accused No.10-appellant.

7. Learned counsel Sri. Ramesha H.N, appearing for the respondent No.2-defacto complainant supplements the submission made by learned HCGP.



8. Heard and perused the records.

9. The investigation in the matter is admittedly conducted by the Deputy Superintendent of Police, who in his report has not indicated any overtact having been committed by accused No.10-appellant in this matter. The relevant portion of the said report pertaining to the role of accused No.10-appellant herein is as under:

" ಎ10-ಹೆಚ್.ಆರ್.ಶಿವಕುಮಾರ್, ಫೋಲಿಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ವಿವೇಕನಗರ ಫೋಲಿಸ್ ಠಾಣೆ, ಬೆಂಗಳೂರು ನಗರ. ಸ್ವಂತ ವಿಳಾಸ: ಹೆಚ್.ಆರ್.ಶಿವಕುಮಾರ್ ಬಿನ್ ಹೆಚ್. ಹೆಚ್.ಟಿ.ರಾಮಕೃಷ್ಣಗೌಡ, ರಾಘವೇಂದ್ರ ಸಾಮೀಲ್ ರಸ್ತೆ, ಗಾಯತ್ರಿ ಬಡಾವಣೆ ಚಿನ್ನರಾಯಪಟ್ಟಣ ಹಾಸನ ಜಿಲ್ಲೆ-573116.

ಆರೋಪಿ-10 ರವರು ಬೆಂಗಳೂರು ನಗರದ ಫೋಲಿಸ್ ಕಮೀಷನರ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ವಿವೇಕನಗರ ಫೋಲಿಸ್ ಠಾಣೆ, ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಗಿದ್ದು, ಈ ಪ್ರಕರಣ ಮೃತ ದಿನಾಂಕ: 12.11.2025 ರಂದು ರಾತ್ರಿ ಜಮೋಟೊ ಡೆಲಿವರಿ ಬಾಯ್‌ಗೆ ಮಚ್ಚು ತೋರಿಸಿ ಬೆದರಿಸಿದ್ದು ಇದನ್ನು ಪ್ರಶ್ನಿಸಿದ ಆ ದಿನ ರಾತ್ರಿ ಬೀಟ್ ಕರ್ತವ್ಯದಲ್ಲಿದ್ದ ಫೋಲಿಸ್ ಸಿಬ್ಬಂದಿಗಳಾದ ಆರೋಪಿ-12 ಮತ್ತು 13 ರವರಿಗೂ ಸಹ ಮಚ್ಚು ತೋರಿಸಿ ಬೆದರಿಸಿದ್ದು, ಈ ವಿಚಾರವನ್ನು ತಿಳಿದುಕೊಂಡ ಆರೋಪಿ-11 ರವರು ಆರೋಪಿ 12 ಮತ್ತು 13 ರವರ ಜೊತೆ ದಿನಾಂಕ: 13.11.2025 ರಂದು ಮುಂಜಾನೆ 01.15 ಗಂಟೆಗೆ ಮೃತ ದರ್ಶನವನ್ನು ಆತನ ಮನೆಯ ಬಳಿ ವಶಕ್ಕೆ ಪಡೆದು, ದ್ವಿ-ಚಕ್ರ ವಾಹನದಲ್ಲಿ ವಿವೇಕನಗರ ಫೋಲಿಸ್ ಠಾಣೆಗೆ ಕರೆದುಕೊಂಡು ಬಂದು ಈ ವಿಚಾರವನ್ನು ಠಾಣಾಧಿಕಾರಿಯಾಗಿದ್ದ ಆರೋಪಿ-10 ರವರಿಗೆ ಫೋನ್ ಮುಖಾಂತರ ತಿಳಿಸಿದ್ದು, ಆರೋಪಿ-10 ರವರ ಸೂಚನೆಯಂತೆ ಮೃತ ದರ್ಶನ್ ನನ್ನು ಫೋಲಿಸ್ ಠಾಣೆಯ ಲಾಕಪ್ ನಲ್ಲಿಡಲು ಸೂಚಿಸಿದ್ದು, ದರ್ಶನ್ ಮೇಲೆ ಯಾವುದೇ ಕೇಸು ದಾಖಲಾಗದಿದ್ದರೂ, ಆತನ ಮೇಲೆ ನ್ಯಾಯಾಲಯದಿಂದ ಯಾವುದೇ ದಸ್ತಗಿರಿ ವಾರಂಟ್ ಹೊರಡಿಸದಿದ್ದರೂ ಆತನನ್ನು ದಿನಾಂಕ: 13.11.2025 ರಂದು ಮುಂಜಾನೆ 01.30 ರಿಂದ ದಿನಾಂಕ: 15.11.2025 ರ ರಾತ್ರಿ 8.20 ರವರೆಗೆ ಫೋಲಿಸ್ ಠಾಣೆಯ ಲಾಕಪ್‌ನಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಬಂಧನ ಮಾಡಿರುವುದು ಮತ್ತು ಸಾರ್ವಜನಿಕ ನೌಕರನಾಗಿ ಅಪರಾಧ ಕೃತ್ಯವನ್ನು ತಡೆಗಟ್ಟುವುದು ಆತನ ಕಾನೂನು ಬದ್ಧ ಕರ್ತವ್ಯವಾಗಿದ್ದರೂ ಸಹ ದರ್ಶನ್ ಎಂಬ ವ್ಯಕ್ತಿಯನ್ನು ಅಕ್ರಮವಾಗಿ ಕೂಡಿ ಹಾಕಿ ಅಪರಾಧಿಕ ಕೃತ್ಯ ಎಸಗಿರುವುದು ಈವರೆಗಿನ ನಡೆಸಿದ ಶನಿಖಾ ಕಾಲದಲ್ಲಿನ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳಿಂದ, ಫೋಲಿಸ್ ಠಾಣೆಯ ಸಿ.ಸಿ.ಟಿವಿ ಎನ್‌ವಿಆರ್‌ಗಳ ದೃಶ್ಯಾವಳಿಗಳಿಂದ ವೈಜ್ಞಾನಿಕವಾಗಿ



ದೃಢಪಟ್ಟಿರುವ ಕಾರಣ ಆರೋಪಿ-10 ರವರ ವಿರುದ್ಧ ಕಲಂ: 127(2) ರ/ವಿ 3(5)
ಬಿ.ಎನ್.ಎಸ್-2023 ರೀತ್ಯಾ ದೋಷಾರೋಪಣೆ ಇರುತ್ತದೆ."

10. Thus, as seen above except the illegal confinement of deceased Darshan between 01.30 a.m. of 13.11.2025 and 08.30 p.m. of 15.11.2025, allegations primarily have been attributed to the owner, Manager and inmates of the said Rehabilitation Center who have been arraigned as accused Nos.1 to 9.

11. The charge sheet which is already filed would indicate that the CCTV footage of the Vivekanagara Police Station, where the Darshan was illegally confined, has already been recovered under P.F.No.1/2025 and he is stated to have been sent to FSL for further verification.

12. It is not the case of the prosecution that investigation is still underway. On the other hand investigation has been conducted by CID headed by Deputy Superintendent of Police and a detailed charge sheet has already been filed. The role of the accused No.10-appellant herein, as already noted has also been specifically mentioned.

13. As rightly pointed out by learned Senior Counsel appearing for the accused No.10-appellant, at this juncture there appears to be no requirement of any custodial interrogation of the accused No.10-



appellant. His apprehension of arrest in the matter concerned cannot be ruled out.

14. Considering his background and the nature of allegations made against him, this Court is of the considered view that the accused No.10-appellant herein is entitled to be enlarged on bail, in the event of his arrest in the aforesaid crime No.999/2025, subject to conditions. Accordingly the following order:

ORDER

- (i) Criminal Appeal No.513/2026 is ***allowed;***
- (ii) The impugned order dated 05.03.2026 passed in Crl. Misc. No.317/2026 by the *II Additional District and Sessions Judge and Special Judge/Bengaluru Rural District, Bengaluru, is set aside.

(iii) The accused No.10-appellant herein is directed to be enlarged on bail in the event of his arrest in Crime No.999/2025 of Madanayakanahalli Police Station registered for the offences punishable under Sections 118(2), 127(2), 258, 120(1) R/w Section 3(5) of BNS and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, subject to the following conditions:

- a) The accused No.10-appellant shall execute personal bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

**Corrected vide Chamber order dated 07/04/2026*



- b) The accused No.10-appellant shall appear before the jurisdictional Court and obtain regular bail within ten days from today;
- c) The accused No.10-appellant shall appear before the Deputy Superintendent of Police (H and B), CID, Carlton House, Palace Road, Bengaluru between 10:00 a.m. and 6:00 p.m., everyday for next fifteen days and if required thereafter till completion of enquiry and extend full co-operation for investigation/enquiry as the case may be;
- d) The accused No.10-appellant shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- e) The accused No.10-appellant shall not involve in similar offences in future;
- f) The accused No.10-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.

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