

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.2213 OF 2023

c/w

CRIMINAL APPEAL NO.798 OF 2024

Crl. Appeal No.2213/2023

BETWEEN:

K. S. RAVIKUMAR
S/O. SIDDAPPA,
AGED 52 YEARS,
FLAT NO. 404, B-8,
KAILASH APARTMENTS,
JNANABHARATHI ENCLAVE,
MYSORE ROAD, KENGERI,
BENGALURU-560 059.

...APPELLANT

(BY SRI. K. S. RAVIKUMAR, PARTY-IN-PERSON)

AND:

1. R. RAMAIAH
S/O. RAMAIAH,
AGED ABOUT 70 YEARS,
2. SURESH RAMAIAH
S/O. RAMAIAH,
AGED ABOUT 40 YEARS,
3. MANJU R.
D/O. RAMAIAH,
AGED ABOUT 37 YEARS,

ALL ARE R/AT FLAT NO. 504, B-8,
KAILASH APARTMENTS,

JNANABHARATHI ENCLAVE,
MYSORE ROAD, KENGERI,
BENGALURU-560 059.

...RESPONDENTS

(BY SRI. MATHAD CHIDANANDASWAMY, ADV.)

THIS CRL.A. IS FILED U/S 14(A)(1) OF SC/ST (POA) ACT, 2015 BY THE PARTY IN PERSON PRAYING TO SET ASIDE THE ORDER DATED 08.11.2023 PASSED BY THE LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE AT BENGALURU (CCH NO.71) IN CRL.MISC.NO.10487/2023, REMAND BACK THE CASE FOR A FRESH ADJUDICATION AND GRANT SUCH OTHER RELIEFS AS THIS HON'BLE COURT MIGHT DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

Crl. Appeal No.798/2024

BETWEEN:

K. S. RAVIKUMAR
S/O. SIDDAPPA,
AGED 52 YEARS,
FLAT NO. 404, B-8,
KAILASH APARTMENTS,
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MYSORE ROAD, KENGERI,
BENGALURU-560 059.

...RESPONDENTS

(BY SRI. MATHAD CHIDANANDASWAMY, ADV.)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE PARTY-IN-PERSON PRAYING TO SET ASIDE THE ORDER DATED 16.12.2023 PASSED BY THE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE AT BENGALURU (CCH NO.71) IN SPL.C.NO.1806/2023 FOR OFFENCE P/U/S 196, 197, 198, 199, 200, 420, 167, 471 OF IPC.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 07.01.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. The appellant/party-in-person has preferred these appeals challenging the order passed by the LXX Additional City Civil and Special Judge at Bengaluru (CCH-71) (for short "the trial Court"). Criminal Appeal No.2213 of 2023 is preferred against the order dated 26th October, 2023 passed in Criminal Misc. No.10487 of 2023 as the trial Court has granted interim bail to the respondents. Criminal Appeal No.798 of 2024 is preferred

against the Order dated 16th December, 2023 passed in Special Case No.1806 of 2023 as the trial Court has allowed the bail applications of the respondent.

2. After receipt of notice, respondents have appeared through their Counsel.

3. The party-in-person in Criminal Appeal No.2213 of 2023 has reiterated the averments made in the Memorandum of Appeal. The main ground urged by the appellant in the Appeal is that the impugned order is perverse, illegal and unjustified. Accused has not stated any cogent ground for the enlargement on interim bail. The trial Court has not applied its judicious mind while passing the impugned order. The impugned order does not whisper anything regarding evidence marked by the complainant. There is prima facie material against the accused which was intentionally ignored by the Special Court. Further, it is submitted that complaint was not given the opportunity to oppose the bail application as required under Section 15A(5) of the SC/ST (PoA) Act. Section 18 of the said Act bars the accused from filing an application under Section 438 of Code of Criminal Procedure for any offence committed under SC/ST (PoA) Act when there is a prima facie case against the accused.

He would submit that the accused are repeated offenders. They have not only committed repeated atrocities on the complainant and his family, but have also repeatedly submitted false caste certificate in various cases i.e. Crime No. 22 of 2022, Crime No. 137 of 2022 and Crime No. 149 of 2023. Hence, he sought for allowing the appeal. To substantiate his arguments, he has relied on the following decisions:

- i) ROHIT BISHNOI v. STATE OF RAJASTHAN AND ANOTHER - CRL. APPEAL NO.2078 of 2023 DECIDED ON 24.07.2023;
- ii) HARIRAM BHAMBHI v. SATYANARAYAN AND ANOTHER - (2024)20 SCC 748;
- iii) PRATHVI RAJ CHAUHAN v. UNION OF INDIA - 2020 SCC OnLine SC 159;
- iv) HARJIT SINGH v. INDERPREET SINGH @ INDER & ANOTHER (2021)19 SCC 355.

4. In Criminal Appeal No. 798 for 2024, the appellant would submit that the impugned order is perverse, illegal and unjustified. The accused has not stated any cogent ground for the enlargement of bail in their regular bail application. The Special Court disposed of the anticipatory bail application filed by the accused in Crl. Misc. No.10487 of 2023 without

providing opportunity to the complainant to submit his objection/arguments, which is clear violation of Section 15A(5) of the SC/ST (PoA) Act and also the decision of Hon'ble Apex Court in the case of ROHIT BISHNOY (supra). He would further submit as to the grounds urged in the memorandum of appeal and sought for allowing the appeal.

5. On the other hand, learned counsel for respondents would submit that the appellant has appeared before the trial Court and has not filed any objection to the appeal in the impugned order i.e., interim bail order passed by the trial Court dated 26th December, 2023 and the trial Court has provided an opportunity to the appellant on 31st October, 2023 before passing the order on merits of the bail application. Complainant was present and trial Court has provided an opportunity to the complainant to file his objection and case was posted to 08th November, 2023. On 08th November, 2023, the complainant has not filed any objection to this bail application. Same is also noted in the impugned order dated 16th December, 2023. The complainant has not filed any objection. After granting interim anticipatory bail, notice was issued to the complainant and case was posted to 31st October, 2023. On that day, complainant was present and case was

posted to 08th November, 2023 to file objection. On 08th November, 2023, the complainant/appellant had not filed any objection. Same is noted in the Order sheet dated 08.11.2023 in Criminal Miscellaneous No. 10487. Further, he would submit that the complainant filed his written objection to the regular bail application filed under Section 413 of CrPC. Same was considered by the trial Court and passed a detailed order on 16th December, 2023 which is in accordance with law and facts. Absolutely, there are no grounds to interfere with the impugned orders passed by the trial Court and sought for dismissal of appeals.

6. I have carefully examined the materials on record. Having heard the arguments on both sides and on perusal of materials placed before this court, the following point would arise for my consideration:

1. Whether the trial Court has failed to comply with the mandatory provisions of Section 15A(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 before granting interim bail to the

petitioners/accused in Criminal Miscellaneous
No.10487 of 2023 dated 26th October, 2023?

2. Whether the complainant has made out a ground to interfere with the impugned order dated 16.12.2023 passed in Criminal Misc. No.1806 of 2023 and order dated 08.11.2023 passed in Crl. Misc. No.10487 of 2023 by the trial Court?

3. What Order?

7. My answer to the above points are as under:

Point No.1: in the affirmative;

Point No.2: in the negative; and

Point No.3: as per final order.

Regarding Point No.1:

8. The complainant/appellant had filed a private complaint for the offence under Sections 196, 197, 198, 199, 200, 420, 167, 471 IPC and Section 3(1)(q) and 3(2)(ii) of the SC/ST (PoA) Act, 1989. The case was registered in PCR No.17 of 2023. After sworn statement, trial court has taken cognizance against the accused and case was registered in Spl.C. No.1806 of 2023 and posted to 15th July, 2023. Thereafter, case was adjourned to 17th July, 2023. On 19th August, 2023, accused were

present and case was posted to 20th October, 2023. On 20th October, 2023, the complainant was present, accused remained absent and CSM Advocate filed power for accused. Then case was posted to 06th November, 2023. On that day, accused was absent. NBW was issued against the accused and case was posted to 16th December, 2023. Before that, i.e. on 08th November, 2023, the Advocate for accused filed Application under Section 309 Code of Criminal Procedure. On that day, the trial Court has passed the following order:

"Case advanced. A1 to 3 voluntarily present.

Memo filed reporting service of notice to complainant with copy and speed post.

As complainant has not filed objections.

The objections being not filed by the complainant in Crl.Mis.10487/2023, the same is disposed as accused are before court.

Accused voluntarily present before court. Accordingly, counsel for A1 to 3 files bail application U/s 439 of Cr.P.C.

Office to issue notice to complainant to file objections by 18.11.2023.

A1 to 3 being voluntarily present, in the Crl.Mis.10487/2023, this Court did granted interim bail on 20.10.2023. As such the present A1 to 3 are released on personal bond of Rs.1,00,000/- and shall abide by the conditions namely;

- 1. A1 to 3 shall not tamper prosecution witnesses.*
- 2. A1 to 3 shall appear on all hearing date."*

9. Then case was posted to 18th November, 2023. Before that, the complainant has filed application under Section 309 of Code of Criminal Procedure to advance the case from 18th to 09th November, 2023. On 16th December, 2023, the court has passed this impugned order granting bail to the accused on executing a personal bond of ₹1,00,000/- each and further directed the accused to furnish one surety/self-surety for the likesum and also imposed two conditions.

10. With regard to the interim order dated 26th October, 2023 passed by the trial Court is concerned, the same reveals that the trial Court has not provided any opportunity to the complainant before passing this impugned order, which is contrary to the provisions of Section 15A(5) of SC/ST (PoA) Amendment Act, 2015. As per Order dated 20th November, 2025, this Court has called for report from the Presiding Officer as to non-compliance of Sub-Sections (4) and (5) of Section 15A of Chapter 4A of SC/ST (PoA) Act, 1989. The Presiding Officer has submitted the report in which he has not explained anything as to non-compliance of Sections 15A(4) and (5) of SC/ST (PoA) Act.

11. On re-appreciation, I find that the trial Court has failed to comply with the mandatory provisions of Section 15A(5) of SC/ST (PoA) Amendment Act, 2015. Since the trial Court has already granted regular bail to the respondent, now the question of setting aside the order dated 26th October, 2023 passed by the trial Court, does not arise as no purpose will be served. Accordingly, I answer point No.1 in the affirmative.

Regarding Point No.2:

12. The complainant has filed objection to the bail application on 16th December, 2023. Same is observed by the trial Court and assigned reasons for grant of regular bail to the accused. Being aggrieved by this order, the appellant has preferred this Criminal Appeal.

13. In paragraphs 14 to 18, the trial Court has observed as under:

"14. This court gave opportunity to complainant to file objections by 08.11.2023. On that day complainant was absent and objections was not filed. The accused No.1 to 3 did surrendered in Spl.C.1806/2023, as such this court was pleased to dispose of the anticipatory bail application without going into merits, as not maintainable. This court as per the order dated 08.11.2023 has not granted bail to the accused No.1 to 3, on the bail application filed U/s 439 of Cr.P.C. However, this court

permitted the Accused No.1 to 3 to execute personal bond for Rs.1,00,000/- on similar conditions as of orders passed on application U/s 438(1) of Cr.P.C. in Crl.Mis.10487/2023 till filing objections.

15. On perusal of the citation and going through the order of Hon'ble Supreme Court as on 08.11.2023 there was no any bail application, either anticipatory or regular bail were pending when the accused did surrendered before this court. The memo has been filed disclosing accused have served the copy of the bail application even before the date of surrendering i.e., on 06.11.2023 by sending the copy of the bail application through RPAD to the present complainant, which is undisputed even when objections are filed now.

16. This court when considered the releasing of the Accused No.1 to 3 on personal bond in Spl.C.1806/2023 has not relied on the anticipatory bail, which has not been considered on merits and which was not at all pending on the date of order passed in this case.

17. Secondly, the Crl.A.2213/2023 has been filed only on 17.11.2023. Therefore, even as on 08.11.2023 the Crl.Mis.10847/2023 has not been decided on merits, that the A1 to 3 are entitled to have anticipatory bail. As such, as observed in para 4 of the Hon'ble Apex court, there was no any order of anticipatory bail granted by any of the courts, including this court. Therefore, this court feels, as observed by the Hon'ble Apex court in para 12, this court has not relied on any anticipatory bail order, but it has been observed interim bail has been granted on 20.10.2023 in the order sheet dated 08.11.2023 in this case. Therefore, the citation has no any application in the facts involved in this proceedings. The objections raised by the petitioner have no any bearing in the present bail application.

18. On considering the bail application of the accused, this court to secure the presence of the accused for appearance before this court is satisfied considering the permanent residence of the accused and their availability for conclusion of trial is satisfied to pass the following by answering the point No.1 in the affirmative and Point No.2 as per the final order"

14. On careful re-examination, reconsideration and re-appreciation of the materials on record, I do not see any factual or legal error in the impugned order dated 16th December, 2023, passed by the trial Court. Hence, Point No.2 is answered in the negative.

15. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

- i) It is held that the trial Court has failed to comply with the mandatory provisions of Section 15A(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015;
- ii) Criminal Appeals No.2213 of 2023 and 798 of 2024 are dismissed. However, the appellant is at liberty to file necessary application for cancellation of bail, if the respondents have

violated the bail conditions imposed by the trial
Court vide order dated 16th December, 2023;

- iii) If such application is filed, the trial Court shall
dispose of the same in accordance with law by
providing opportunity to the respondents.

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