IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1749 OF 2026

BETWEEN:

1. SRI. SIDDARAJU S,
S/O.SIDDEGOWDA,
AGED ABOUT 38 YEARS,
R/AT CHOTTANAHALLI,
B.G.PURA HOBLI, MALAVALLI TALUK,
MANDYA DISTRICT - 574 130.

2. SMT. RATHNAMMA,
W/O. RACHAIAH,
AGED ABOUT 42 YEARS
R/AT CHOTTANAHALLI,
KENCHANADODDI, B.G.PURA HOBLI,
MALAVALLI TALUK,
MANDYA DISTRICT - 574 130.

...APPELLANTS

(BY SRI. NATARAJU T, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

1. THE STATE OF KARNATAKA
BY BOMMANAHALLI POLICE STATION,
BENGALURU,
NOW REPRESENTED BY
S.P.P., HIGH COURT BUILDING,
BENGALURU - 560 001.

2. NANDINI S
D/O M. SHANKAR,
AGED ABOUT 25 YEARS,
R/AT 303, 3RD FLOOR,
SIDDAREDDY ELITE,
KASAVANAHALLI, SARJAPURA MAIN ROAD,
BENGALURU - 560 035.

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1;
SRI. VINAYAKA PANDIT APPOINTED AS AMICUS CURIAE FOR R2 [V/C])

THIS CRL.A IS FILED UNDER SECTION 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DATED 26.09.2026 PASSED BY THE XCII ADDL. CITY CIVIL & SESSIONS JUDGE c/c LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, AT BENGALURU (CCH-71) IN CRL.MISC.NO.8740/2026; AND ETC

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 12.11.2026 AND COMING ON FOR "PRONOUNCEMENT OF JUDGMENT" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. The appellants who are accused 2 and 3 in Crime No.226/2026 of Bommanahalli Police Station, have preferred the appeal against the order passed by the XCII Addl. City Civil and Sessions Judge, c/c LXX Addl. City Civil and Sessions Judge and Special Judge, Bengaluru in Criminal Miscellaneous No.8740/2026 dated 26.09.2026.

2. Despite service of notice, respondent No.2 remained absent and unrepresented. Hence, Sri Vinayaka Pandit, Advocate is appointed as Amicus Curiae to assist the court on behalf of respondent No.2.

3. On the basis of the complaint filed by the victim/complainant Bommanahalli Police have registered the case in Crime No.226/2026 against the accused 1 to 3 for the offences punishable under Sections 3(2)(v), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, "SC/ST (PoA) Act") and Sections 3(5), 351(2), 352, 69 of the Bharatiya Nyaya Sanhita (BNS), 2023. Accused 2 and 3 have filed bail application under Section 482 of BNSS, 2023 seeking anticipatory bail. Same came to be dismissed on 26.09.2026. Being aggrieved by this order, the appellants have preferred this appeal.

4. Sri Nataraju T., learned counsel for the appellants has submitted that the appellants have not committed any offence as alleged against them. The entire allegations made are only against accused No.1, merely for the reason that appellants are parents of accused No.1. They are falsely implicated as accused 2 and 3. It is the specific case of the defacto-complainant that she is working in a private Clinic since 2022. In the month of

January 2026, accused No.1 started to visit said clinic as medical representative to market their products. Subsequently, they got to know each other and became friends and thereafter, said friendship turned into love. Out of the love relationship, accused No.1 alleged to have had a sexual intercourse with the defacto-complainant in his house. Thereafter, she demanded him to put forth an offer of marriage to her parents for which accused No.1 denied by demeaning her caste. The story narrated in the complaint categorically discloses that accused No.1 and defacto-complainant were in love.v As a result of the same, accused No.1 had a sexual intercourse with the defacto-complainant and thereafter, he denied to marry her. In the entire scenario narrated by the defacto-complainant the names of the present appellants do not find a place, but, all of a sudden in the last para of the complaint only with an intention to make the issue severe and to harass the appellants as well as to mend the accused No.1 to her terms, the names of these appellants have been purposely incorporated alleging that they have

demeaned her caste. The said allegation is baseless and there is no iota of evidence available on record to connect these appellants with the alleged crime.

5. Further, it is submitted that the Special Court has committed a grave error while passing the impugned order by rejecting the anticipatory bail to the appellants. The entire contents of the written complaint lodged by the defacto-complainant categorically discloses as to the relationship between accused No.1 and defacto-complainant. If, at all any offence, as alleged in the crime, is made out, it stands only against accused No.1 but not against his parents the appellants herein. There are no materials to constitute the offence under the penal provision of SC/ST (PoA) Act, 2015. Hence, there is no bar to grant anticipatory bail. On all these grounds, it is sought for allowing this appeal.

6. As against this, Sri Vinayaka Pandit, Amicus Curiae, appearing for respondent No.2, would submit that the Special Court has properly appreciated the materials on record in accordance with law and facts. Absolutely,

there are no grounds to interfere with the impugned order and sought for dismissal of the appeal.

7. Learned High Court Government Pleader, Sri K. Nageshwarappa appearing for the respondent-State, would also submit the same.

8. I have carefully examined the materials placed before this Court.

9. On the basis of the complaint filed by the complainant/victim, Bommanahalli Police have registered the case in Crime No.226/2026 against accused Nos.1 to 3 for the offences punishable under Sections 3(2)(V), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sections 3(5), 351(2), 352, 69 of BNS , 2023. In the last para of the complaint, it is stated as under:

> *"ಸುಮಾರು 5 ದಿನಗಳ ನಂತರ ಪಿರ್ಯಾದುದಾರರು ಬೊಮ್ಮನಹಳ್ಳಿ ಪೊಲೀಸ್ ಠಾಣೆಯ ಬಳಿ ಹೋದಾಗ, ಠಾಣೆಯ ಹೊರಗಡೆ ದರ್ಶನ್ ಮತ್ತು ಆತನ ಸೋದರಮಾವ ಸಿದ್ದರಾಜು ಹಾಗೂ ಆತನ ತಾಯಿ ರತ್ನಮ್ಮ ರವರುಗಳು ನಿಂತುಕೊಂಡಿದ್ದು, ಪಿರ್ಯಾದುದಾರರನ್ನು ನೋಡಿ, ಅವರ ಬಳಿ ಬಂದು ಅವರೆಲ್ಲರೂ ಸೇರಿ ಠಾಣೆಯ ಹೊರಗಡೆ ಸಾರ್ವಜನಿಕವಾಗಿ ನೀನು ಆದಿ ದ್ರಾವಿಡ ಹೊಲೆಯ ಜಾತಿವಳು. ನೀವೆಲ್ಲಾ ಕಸ ಇದ್ದಂತೆ ನಿನ್ನಂತಹ ಕೀಳು ಜಾತಿಯವಳನ್ನು ನಾವು*

ಮುಟ್ಟುವುದಿಲ್ಲ ಎಂದು ಬೈಯ್ದಿರುತ್ತಾರೆ. ಈ "ರೀತಿಯಾಗಿ ಪಿರ್ಯಾದುದಾರರನ್ನು ಮದುವೆಯಾಗುವುದಾಗಿ ನಂಬಿಸಿ, ಪಿರ್ಯಾದುದಾರರೊಂದಿಗೆ ದೈಹಿಕ ಸಂಭೋಗ ಎಸಗಿ, ಪಿರ್ಯಾದುದಾರರನ್ನು ಗರ್ಭಿಣಿಯಾಗಿಸಿ, ನಂತರ ಜಾತಿ ಬೇರೆ ಎಂದು ಮದುವೆಯಾಗದೇ ಮೋಸ ಮಾಡಿರುವ ದರ್ಶನ್ ಮತ್ತು ಆತನಿಗೆ ಸಹಕರಿಸಿರುವ ಆತನ ಸೋದರ ಮಾವ ಸಿದ್ದರಾಜು ಹಾಗೂ ಆತನ ತಾಯಿ ರತಮ್ಮ, ರವರುಗಳ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಕೊಟ್ಟ ದೂರು ಇತ್ಯಾದಿ..."

10. Except the above allegation, absolutely that there is no any accusation against the present appellants, who are the parents of accused No.1.

11. A plain reading of the contents of the complaint makes it clear that there is no reference as to the presence of public at the time of using abusive words by the appellants pertaining to the caste of the victim. Therefore, at this stage, I am of the considered opinion that there are no sufficient prima-facie materials to constitute the offence under the penal provision of SC/ST (PoA) Act, 1989. Considering the nature and gravity of offence, prior antecedents, age and occupation of the appellants, I proceed to pass the following:

ORDER

i. Appeal is allowed.

ii. The order passed by the XCII Additional City Civil and Sessions Judge, c/c LXX Addl. City Civil and Sessions Judge and Special Judge, Bengaluru in Criminal Miscellaneous No.8740/2026 dated 26.09.2026, is set aside.

iii. Consequently, application filed under Section 482 of BNSS, 2023 is allowed.

iv. Appellants/accused Nos.2 and 3 shall be released on bail on executing a self bond of Rs.1,00,000/- (Rupees one lakh only) each with one surety each for likesum, in the event of their arrest in Crime No.226/2026 of Bommanahalli Police Station.

v. Appellants/accused Nos.2 and 3 shall not tamper or threaten the prosecution witness in any manner.

vi. Appellants/accused Nos.2 and 3 shall assist the Investigating Officer for investigation.

vii. Appellants/accused Nos.2 and 3 shall not indulge in similar offences.

Registry is directed to pay an amount of Rs.5,000/- to Sri Vinayaka Pandit, Amicus Curiae.

Sd/-
(G BASAVARAJA)
JUDGE

KBM