

Bhagya vs State of Karnataka

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Court : Karnataka

Decided On : Jul-01-2025

Judge : M G UMA

Appeal No. : CRL.A/2447/2024

Appellant : Bhagya

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2025 BEFORE THE HON'BLE
MRS JUSTICE M G UMA CRIMINAL APPEAL NO. 2447 OF 2024 (U/S
14(A) (2)) BETWEEN:

1. BHAGYA W/O. LATE. B. NANJUNDASWAMY, AGED ABOUT 61
YEARS, PERMANENT RESIDENT OF BANAHALI VILLAGE,
CHIKKARASINAKERE HOBLI, MADDUR TALUK, MANDYA - 571 433
2. N. SUNIL KUMAR S/O. LATE. B. NANJUNDASWAMY, AGED ABOUT
39 YEARS, R/AT. NO.33, 2ND CROSS ROAD, NEAR SHANTIDHAMA

SCHOOL, BYRAVESHWARANAGAR, SUNKADAKATTE, BENGALURU - 560 091 Digitally signed by NANDINI B G 3. ASHWINI Location: High D/O. LATE. B. NANJUNDASWAMY, Court of Karnataka AGED ABOUT 61 YEARS, PERMANENT RESIDENT OF BANAHALLI VILLAGE, CHIKKARASINAKERE HOBLI, MADDUR TALUK, MANDYA - 571 433 APPELLANTS (BY SRI. SRINIVASA .C., ADVOCATE) AND:

1. STATE OF KARNATAKA BY KAMAKSHIPALYA POLICE STATION, BENGALURU. REPRESENTED BY SPP, -2- HIGH COURT OF KARNATAKA, BENGALURU - 560 001.

2. SUMITRA

W/O. NO DETAILS FORTHCOMING AND NOT KNOWN TO APPELLANTS, AGED ABOUT 40 YEARS, R/AT. C/O. MAHESH BUILDING, NEAR SHANTIDHAMA SCHOOL, CHINNU STUDIO ROAD, SUNKADAKATTE, BENGALURU - 560 097 RESPONDENTS (BY SMT. RASHMI JADHAV, ADDL. SPP FOR R1 R2 - SD) THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT

PRAYING TO SET ASIDE THE ORDER DTD 21.12.2024 PASSED IN CRL.MISC.NO.11216/2024 BY THE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL (CCH-71) AT BENGALURU, BY ALLOWING THIS APPEAL AND TO RELEASE THE APPELLANTS ON BAIL IN THE EVENT OF THEIR ARREST BY THE 1ST RESPONDENT POLICE IN CR.NO.522/2024 BY KAMAKSHIPALYA P.S., FOR THE OFFENCES P/U/S 115(2), 351(3), 352 OF BNS, 2023, U/S 3(1)(R)(S) OF SC/ST

(POA) ACT, 1989, PENDING ON THE FILE OF THE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE (CCH-71), BENGALURU. THIS CRL.A, COMING ON FOR ADMISSION, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

ORAL JUDGMENT

The appellants - accused Nos.1 to 3 are before this Court

seeking grant of bail under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Act for short) in Crime No.522/2024 of Kamakshipalya Police Station, registered for the offences punishable under Sections 115(2), 351(3), 352 of BNS, 2023 and Section 3(1)(r) and (s) of the Act, on the basis of the first information lodged by informant- Sumithra.

2. Heard Sri. Srinivasa.C, learned Counsel for the appellants and Smt.Rashmi Jadhav, learned Additional SPP for the respondent No.1-State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is: Whether the appellants are entitled for grant of bail under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, 1989? -4- My answer to the above point is in Affirmative for the following:
REASONS

4. The informant lodged the first information against

the accused stating that about six months earlier to filing of the first information, accused No.1 had assaulted the son of CW1 and abused her in filthy language, referring to her caste and humiliated her. On 30.10.2024, again accused No.1 picked up quarrel as CW1 has spilled water in front of the house of accused No.1.

5. The investigation is completed and charge sheet

came to be filed. It is not the contention of the prosecution that the appellants are required for further investigation or for any other reasons except to ensure their presence before the Trial Court. It is also not the contention of the prosecution that the appellants are having any criminal antecedents. This Court vide

order dated 31.12.2024, granted interim bail to the appellants.

There is no allegation that they have misused the liberty granted in their favour. Under such circumstances, I do not find any reasons to reject the claim made by the appellants. -5- Therefore, I am of the opinion, that the appellants may be granted anticipatory bail subject to conditions which will take care of the interest of the prosecution as well as interest of the complainant and the witnesses.

6. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The appeal is allowed. The appellants are ordered to be enlarged on bail in Crime No.522/2024 of Kamakshipalya Police Station, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) each with two sureties each for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions: a). The appellants shall not commit similar offences. b). The appellants shall not threaten or tamper with the prosecution witnesses. c). The appellants shall appear before the Court as and when required. -6- If in case, the appellants violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail. On furnishing the sureties by the appellants, the Trial Court is at liberty to direct the Investigating Officer to verify

the correctness of the address and authenticity of the documents furnished by the appellants and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the appellant on bail.

Sd/- (M G UMA) JUDGE BH CT:VS List No.: 1 SI No.: 22