

(2025) 10 KAR CK 1183

In the Karnataka High Court

Case No : Criminal Appeal No. 1992 Of 2025 (U/S 14(A) (2))

Vishnu B L

APPELLANT

Vs

State Of Karnataka & Ors

RESPONDENT

Date of Decision : 17-10-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 115(2), 352
Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989 mdash;
Section 3(1)(r), 3(1)(s), 3(2)(va)

Citation : (2025) 10 KAR CK 1183

Hon'ble Judges : G Basavaraja, J

Bench : Single Bench

Advocate : Umesh P.B, Rangaswamy R

Final Decision : Allowed

Judgement

G Basavaraja, J

1. The appellant - accused No.1 has preferred this appeal against the order dated 02.09.2025 passed by the I Additional Sessions and Special Judge, Chikkamagaluru, (for short, hereinafter referred to as "trial Court") in CrI.Misc.No.393/2023 dismissing the bail application filed under Section 482 of BNSS Act, 2023.

2. For the sake of convenience, the parties herein are referred to as per their status and ranking before the trial Court.

3. Brief facts leading to this appeal are that, the Deputy Superintendent of Police, Chikkamagaluru Sub-division, Chikkamagaluru, has registered a case against the accused for the offences punishable under Sections 115(2) and 352 of Bharatiya Nyaya Sanhita, 2023 (herein referred as 'BNS Act') r/w section 3(5) of BNS and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 (herein referred as 'SC & ST (POA) Act').

4. Despite service of notice, respondent No.2 remained absent and unrepresented.

5. Heard arguments of both the parties.

6. The Trial Court has allowed the petition in respect of petitioner Nos.2 to 5 but rejected the bail application filed by the petitioner No.1-the present appellant. This impugned order is passed prior to filing of charge sheet. It is submitted that, now the charge sheet is already filed against accused Nos.1 to 5 for the aforesaid offences.

7. In the charge sheet, the Investigating Officer has not stated that the present appellant is required for further investigation. The charge sheet reveals that the Investigating Officer has completed the investigation. The present appellant is not required for further investigation. The alleged commission of offence is not punishable with death or imprisonment for life.

8. Considering the peculiar facts and circumstances of the case, since the accused is not required for further investigation, I proceed to pass the following:

ORDER

(i) Criminal Appeal is allowed.

(ii) The order dated 02.09.2025 passed by the I Additional Sessions and Special Judge, Chikkamagaluru, in CrI.Misc.No.393/2023 wherein the application filed by the appellant under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023, seeking anticipatory bail, in respect of present appellant is hereby set aside. Consequently, the application filed under Section 482 of BNSS Act, is allowed, subject to the following conditions:

a) Since charge sheet is filed, the appellant-accused No.1 is directed to surrender himself before the Trial Court.

b) The Trial Court is directed to release the appellant-accused No.1 on bail on executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the jurisdictional Court;

c) The appellant-accused No.1 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

d) The appellant-accused No.1 shall not threaten or tamper with the prosecution witnesses in any manner;

e) The appellant-accused No.1 shall not involve in similar offences in future;

f) The appellant-accused No.1 shall assist the Investigating Officer, if necessary, for further investigation.