



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL APPEAL NO.100196 OF 2026

(U/S 14 A(2) of SC and ST ACT)

BETWEEN:

1. NAGRAJ S/O. CHANNAPPA TELI,
AGE. 65 YEARS, OCC. AGRICULTURE,
2. SHASHIKALA W/O. NAGRAJ TELI,
AGE. 58 YEARS, OCC. HOUSEHOLD WORK,
BOTH R/O. TEACHERS COLONY,
JAMKHANDI-587301, TQ. JAMKHANDI,
DIST. BAGALKOT.
3. SMT. VEENA W/O. MANJUNATH CHINNANNAVAR,
AGE. 38 YEARS, OCC. HOUSEHOLD WORK,
R/O. INGALAGI VILLAGE-587313,
TQ. MUDHOL, DIST. BAGALKOT.
4. SMT. VIDYA W/O. SHANKAR ULLAGADDI,
AGE. 32 YEARS, OCC. AGRICULTURE,
R/O. CHOUDAYYA NAGAR, JAMKHANDI-587301,
TQ. JAMKHANDI, DIST. BAGALKOT.
5. SHIVANI W/O. SHIVKUMAR DESAI,
AGE. 32 YEARS, OCC. HOUSEHOLD WORK,
6. SHIVKUMAR S/O. APPASAHEB DESAI,
AGE. 32 YEARS, OCC. AGRICULTURE,
BOTH R/O. KUCHANUR VILLAGE-587301,
TQ. JAMKHANDI, DIST. BAGALKOT.

...APPELLANTS

(BY SRI. N.L. BATAKURKI, ADVOCATE)





AND:

1. THE STATE OF KARNATAKA,
BY ITS DY S P JAMKHANDI-587301,
TQ. JAMKHANDI TOWN PS.,
TQ. JAMKHANDI, DIST. BAGALKOT,
REP. BY SPP A G OFFICE,
HIGH COURT BUILDING, DHARWAD.

2. ABC,
R/O. NEAR DHANAVANTRI,
HOSPITAL JAMKHANDI-587301,
TQ. JAMKHANDI, DIST. BAGALKOT.

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1;
NOTICE TO R2 IS SERVED)

THIS CRIMINAL APPEAL IS FILED 14(A)(2) OF SC/ST ACT, 1989 PRAYING TO SET ASIDE THE ORDER PASSED BY THE IV ADDL. DISTRICT AND SESSIONS JUDGE BAGALKOT IN CRIL MISC NO.143/2026 DATED 27.03.2026 FOR THE ALLEGED OFFENCES UNDER SECTIONS 115 (1), 352, 64 (2)(M) OF BNS AND SEC 3 (1) (R) 3 (1) (S), 3 (2) (V-A) OF S.C.S.T (PREVENTION OF ATROCITIES) ACT. ORDER TO ENLARGE THE APPELLANTS/A2 TO A7 ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN JAMKHANDI TOWN P S CRIME NO.29/2026 REGISTERED ON 08.03.2026 FOR THE ALLEGED OFFENCES UNDER SECTIONS 115 (1), 352, 64 (2)(M) OF BNS AND SEC 3 (1) (R) 3 (1) (S), 3 (2) (V-A) OF S.C.S.T (PREVENTION OF ATROCITIES) ACT, BY ALLOWING THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



ORAL JUDGMENT

1. Heard the learned counsel appearing for the appellants and the learned High Court Government Pleader appearing for respondent No.1/State.

2. This appeal is filed seeking anticipatory bail in connection with the charge sheet filed in Criminal Misc.No.143/2026 pending before Sessions Court, Bagalkot.

3. The charge sheet is filed pursuant to Crime No.29/2026, registered before Jamkhandi Police Station. The case is registered against the appellants for the offence under Sections 115(1), 352, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3(1)(r), 3(1)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Act of 1989').

4. The appellants are the family members of accused No.1. Appellants No.1 and 2 are the parents. Appellants No.3 to 5 are the sisters of accused No.1. Appellant No.6 is husband of appellant No.5. The complaint is filed by a 35-year-old woman



alleging repeated sexual intercourse by the accused No.1 on the premise of marriage.

5. In the complaint, it is stated that the accused No.1 had sexual intercourse with the complainant on many occasions in two years prior to the complaint. Thereafter, the accused No.1 refused to marry the complainant on the ground that the complainant belongs to the Scheduled Caste. It is further stated in the complaint that when the issue was raised before the family members of the accused No.1, all the appellants insulted and abused her by referring to her caste. The incident is said to have taken place on 15.01.2026 and the complaint is lodged on 08.03.2026. The complainant also states that on 03.03.2026, she consumed poison and unable to bear the insult at the hands of the appellants, and the accused No.1. The police have registered the complaint and have filed the charge sheet. The Sessions Court has rejected the anticipatory bail.

6. Learned counsel for the appellants would raise following contentions:

- (a) Both the complainant and the accused No.1 are unmarried. The allegation is that, the consensual



sexual intercourse on the promise made by the accused No.1 that he would marry the complainant. Thus, it is not a case of rape.

- (b) The alleged incident of abusing the complainant has taken place inside the house of the appellants and not in a public view as such, the provisions of the Act of 1989 would not attract.
- (c) The complainant is a Scheduled Caste in Andhra Pradesh and that would not automatically confer her status of a Scheduled Caste in State of Karnataka. Thus, the provisions of Act of 1989 are not attracted and the maximum punishment that can be awarded for the offences alleged against the appellants is 5 years imprisonment and not beyond that.
- (d) The appellants are ready to abide by any terms and conditions to be imposed by the Court and will co-operate for early disposal of the pending criminal case.

7. Learned High Court Government Pleader would oppose the appeal on the premise that the appellants have



abused the complainant by referring to her caste and Section 18 of the Act of 1989 forbids anticipatory bail for the persons who are accused of the offences under the Act of 1989. The ingredients of the offences are made out in the charge sheet. The investigation is over and the appellants are required to approach the Sessions Court for seeking regular bail.

8. The Court has considered the contentions urged and perused the records.

9. The appeal is filed by the appellants against whom there is no allegation of rape. The allegation of rape is against the son of appellants No.1 and 2.

10. The question is "whether the provisions of Act of 1989 are attracted to the case on hand?"

11. The contention whether the complainant is also having a scheduled caste status in State of Karnataka as she belonged to Andhra Pradesh has to be considered with reference to the actual caste of the complainant. If it is also scheduled caste in Karnataka, then she would be a member of the Scheduled Caste. At this juncture, the materials are not



placed to take a view whether she belongs to Scheduled Caste in Karnataka or not. However, the caste certificate issued by the State of Andhra Pradesh would indicate that she belongs to Scheduled Caste. What is required to be noticed is the alleged incident has taken place in a private place i.e. in the residence of the appellants. Assuming that the appellants have abused the complainant with reference to her caste, still the Act of 1989 is not attracted as the alleged incident has not taken place in a public view. This being the position, the Court is of the view that the Act of 1989 has no application to the facts of the case.

12. There is no allegation of rape against the appellants, the appellants are entitled to the bail subject to certain conditions. Hence, the following:

ORDER

Appeal is **allowed** subject to following conditions:

- i. Appellants shall appear before the jurisdictional police within 15 days from today and shall be released on bail in connection with Crime No.29/2026 registered before Jamkhandi Town Police Station.



- ii. Appellants shall furnish bail bond for a sum of ₹1,00,000/- each with two sureties for the likesum.
- iii. Appellants shall co-operate with the investigation or inquiry.
- iv. Appellants shall not threaten, induce, or promise anyone acquainted with the facts, nor tamper with evidence or witnesses.
- v. Appellants shall furnish current address, active mobile number, to the jurisdictional police and intimate any changes within 48 hours.
- vi. Appellants shall mark their presence before the police as and when their presence is required.
- vii. Appellants shall not leave the jurisdiction of the police station without prior information and intimation to the jurisdictional police.
- viii. Appellants shall not commit any offences.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

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CT: UMD
List No.: 1 Sl No.: 16