



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO.1363 OF 2025 (U/S 14(A) (2))

BETWEEN:

SRI. BAGVANTHA RAY
BASAVANTHA RAY BIRADAR,
S/O LATE BASAVANTHA RAY BIRADHARA,
AGED ABOUT 34 YEARS,
R/O MANNAPURA VILLAGE,
SINDAGI TALUK, VIJAYAPURA DISTRICT
PRESENTLY WORKING AT,
CPC 823, AT AMRUTHRU POLICE AND
R/AT AMRUTHRU POLICE QUARTERS,
AMRUTHRU, KUNIGAL TALUK,
TUMAKURU – 572 130.

... APPELLANT

(BY SRI. DAYANAND HIEMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY AMRUTHUR POLICE STATION,
REP. BY THE SPP,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.
2. KUM. SHASHIKALA
D/O YAMANAPPA,
WOMEN POLICE CONSTABLE,
AGED ABOUT 28 YEARS,





R/AT NO.30, ANNORA
GOWRAMMA CAMP,
GANGAVATHI KOPPALA DIST.,
PRESENTLY RESIDING AT AMRUTHRU
POLICE QUARTERS, KUNIGAL,
TUMAKURU – 572 130.

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1;
NOTICE TO R2 IS SERVED)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14(A)(2) OF SC/ST(POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER PASSED IN CRL.MISC.761/2025 DATED 09.06.2025 GRANT BAIL TO THE APPELLANT IN CR.NO.81/2025 REGISTERED BY THE AMRUTHUR POLICE STATION KUNIGAL TALUK, TUMKUR DISTRICT, PENDING BEFORE THE III ADDL. DISTRICT AND SESSIONS JUDGE AT TUMAKURU FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 318(2), 352, 115(2), 54, 74 READ WITH SECTION 3(5) OF BNS 2023 AND SECTION 3(1)(R), (S), 3(1), (W) (I) AND 3(2)(VA) OF THE SCHEDULED CAST AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) ACT 1989 IMPOSING ANY CONDITION/S AS THE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE ABOVE CASE.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 26.09.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THE COURT DELIVERED THE FOLLOWING:



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV JUDGMENT

1. This appeal is filed by the appellant who is the sole accused in Crime No.81/2025 of the respondent police for the offences punishable under Sections 318(2), 352, 115(2), 351(2), 54, 74 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS 2023') and under Sections 3(1),(r)(s), 3(1),(w)(i) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Amendment Act, 2015 (for short 'SC/ST (POA) Act') and seeking to set aside the order dated 09.06.2025 passed in CrI.Mis.No.761/2025 by the III Additional District and Sessions Judge at Tumakuru.

Brief facts of the case:

2. It is the case of the prosecution that, on 14.02.2023, the appellant had visited her official residence near Amruthur Police Station. The appellant had expressed his desire to marry the complainant. Thereafter, he married her in the presence of the photo of Lord Sai Baba and asked her to



keep the matter secret until the dispute is resolved. Following the said marriage, he continued their physical relationship assuring that he would inform others about their marriage. He avoided her to wear mangalsutra stating that it creates a problem to both of them.

3. It is stated that, after sometime, he refused to marry her by stating that she belongs to schedule caste and he belongs to different caste. Thereafter, he assaulted her for having demanded him that he should accept her as his wife. Therefore, she constrained to lodge a complaint against him. The respondent police registered a case in Crime No.81/2025 for the offences stated supra.
4. Heard Sri.Dayanand Hiremath, learned counsel for the appellant and Smt.Waheeda M.M., learned High Court Government Pleader for the respondent – State.
5. It is the submission of learned counsel for the appellant that the appellant has not committed any offences. In fact, he has been falsely implicated in the case. Both the victim and the appellant were working together. She proposed him for marriage. When he refused to marry her, she filed a false case making certain allegations.



There is no evidence to demonstrate that he had married her and committed sexual assault on her. Thereafter, he refused to continue his relationship with her as husband on account of that she belongs to schedule caste. Mere making certain allegations is not sufficient to hold that the ingredients gets attracted against the appellant.

6. It is further submitted that the appellant is working as police constable and he is the earning member of the family. The entire family is depending on him. In fact, he is the permanent resident of Mannapura Village, Sindagi Taluk, Vijayapura District. In case, if he is not enlarged on bail, hardship would be caused to the entire family. Therefore, the appellant may be enlarged on anticipatory bail by imposing suitable conditions. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submissions, the learned counsel for the appellant prays to allow the appeal.
7. Per contra, the learned High Court Government Pleader for the respondent – State vehemently submitted that the averments of the complaint would indicate that the appellant had refused to continue his relationship as



husband with the respondent No.2 on the ground that she belongs to schedule caste. In fact, on several occasions, he had committed sexual intercourse and subsequently, he refused to declare her as his wife and assaulted her on the pretext that she should not insist him to accept her as his wife.

8. It is further submitted that there is a clear bar under Section 18A of the SC/ST (POA) Act and it is not appropriate to grant bail by allowing this appeal. Making such submissions, learned HCGP for the respondent prays to dismiss the appeal.
9. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, it appears from the record that, both victim and the appellant were working as police constable at Amruthpur Police Station. They developed intimacy and decided to marry each other. According to the complainant, the appellant had married her in her house in front of the photo of Lord Sai Baba and thereafter, he continued to live with her as husband and committed sexual intercourse on several occasions.



10. When she insisted him to declare him as his wife, he was dodging the matter in one or the other pretext and she was instructed that she should not disclose to the public that he married her as there are some issues in respect of the caste and he had assured her that he would declare her as his wife.
11. Believing his words, she kept quiet for a longer period. After coming to know that she was being deceived by him, she lodges a complaint.
12. As the averments of the complaint would indicate that he refused to accept her as his wife on account of that she belongs to schedule caste. The ingredients of the offence gets attracted. Therefore, he is not entitled for anticipatory bail as there is a bar under Section 18A of the said Act.
13. In the light of the observation made above, I proceed to pass the following:



ORDER

The appeal stands ***dismissed***.

**Sd/-
(S RACHAIAH)
JUDGE**

UN
List No.: 19 Sl No.: 5