IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO.200105 OF 2025 (U/S 14 (A)(2))

BETWEEN:

SHARANU @ SHARANABASAPPA
S/O SHRIMANTH KARAGAR,
AGE: 38 YEARS, OCC: PRIVATE WORK,
R/O. H.NO.46, BELUR(J) VILLAGE,
TQ. AND DIST. KALABURAGI-585104.

...APPELLANT

(BY SRI SURESH CHANDRASHEKAR TENGLI, ADVOCATE)

AND:

1. THE STATE THROUGH,
   CHOWK POLICE STATION, KALABURAGI,
   (REPRESENTING BY LEARNED,
   ADDL. STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   AT KALABURAGI-585107).

2. RAVI S/O TUKARAM RATHOD,
   AGE:24 YEARS, OCC: COMPUTER PROFESSIONAL,
   R/O. BORABANALA TANDA,
   TQ.GURMITKAL, DIST.YADGIRI,
   NOW AT SARASWATIPUR KUSNOOR(D),
   KALABURAGI-585106.

...RESPONDENTS

(BY SRI GOPAL KRISHNA YADAV, HCGP FOR R1;
SRI B.C. JAKA, ADVOCATE FOR R2)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.A IS FILED U/SEC. 14(A)(2) OF SC/ST (PA) ACT, PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE ORDER DATED 18.03.2025 IN CRL.MISC.NO.358/2025 REJECTING THE BAIL PETITION FILED BY THE APPELLANT U/SEC. 482 OF BNSS 2023 AND ISSUING DIRECTION TO THE RESPONDENT POLICE TO RELEASE THE APPELLANT ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.56/2025 OF CHOWK POLICE STATION, KALABURAGI, PENDING ON THE FILE OF II ADDL. DIST. AND SESSIONS JUDGE KALABURAGI, FOR THE OFFENCES PUNISHABLE U/SEC. 329(4), 324(4), 118(2), 109(1), 352, 351(2) OF BNS,2023 AND SEC. 3(1)(r)(s), 3(2)(v) OF SC/ST PA ACT.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

This appeal is filed by the appellant seeking to set aside the order dated 18.03.2025, passed in Criminal Miscellaneous No.358/2025, by the Court of II Additional District and Sessions Judge, Kalaburagi and to enlarge the appellant on bail in Crime No.56/2025, registered by Chowk Police Station, Kalaburagi district, for the offences punishable under Sections 329(4), 324(4), 118(2), 109(1), 352 and 351(2) of BNS, 2023 and Sections

3(1)(r)(s) and 3(2)(v) of the SC/ST (POA) Amendment Act, 2015.

2. It is the case of the prosecution that on 06.03.2025, the complainant had lodged a complaint stating that he along with Shantkumar Kerur and Shivanand Hiremath were staying in the apartment namely, Bharat Pride Apartment, which belongs to one Manikant Rathod. On 05.03.2025, the appellant herein trespassed into the apartment and assaulted the complainant with an iron rod and caused injuries in order to maintain status as rowdy in that area. Thereafter, when the complainant was going outside the house, the appellant scolded about Manikant Rathod by naming his caste. The another persons Shantkumar had closed the door by frightening the act of accused in order to avoid further complications. However, the appellant had broken the glasses of the windows and caused damages to the property worth of Rs.5,000/-. Therefore, a case came to

be registered against the appellant before the respondent – police. The investigation is under progress.

3. Heard the learned counsel Sri.Suresh Chandrashekar Tengli for the appellant, Sri G.B.Yadav, learned High Court Government Pleader for respondent No.1 and learned counsel Sri B.C.Jaka for respondent No.2.

4. It is the submission of learned counsel for the appellant that, the appellant has been falsely implicated in this case. The allegation made against the appellant is that he had scolded Manikant Rathod by naming his caste. However, the said Manikant Rathod was not present at the spot. Therefore, the provisions of the SC/ST (POA) Amendment Act, 2015 would not attract against the appellant.

5. The learned counsel further submitted that though the offence committed by the appellant is heinous in nature, the fact remains that he is not involved in any other criminal case except the present case. The appellant is aged bout 38 years, resident of Belur(V) village,

Kalaburagi taluka and district and he will abide the conditions to be imposed by this Court in the event of releasing him on bail. Making such submissions, he prays to allow the appeal.

6. *Per contra*, the learned High Court Government Pleader for respondent No.1 vehemently opposed the said submissions and he further submitted that the appellant in order to maintain the status in the society as a rowdy element assaulted the complainant on the vital part of the body and caused injuries to him. Further, the appellant wanted to assault one witness by name, Shantkumar, however, he escaped from his clutches by closing the door of the apartment. It is further submitted that the appellant had scolded one Manikant Rathod by naming his caste, though he was not present at the spot. Therefore, the provisions of the SC/ST (POA) Amendment Act, 2015 would attract against the appellant and he is not entitled for any relief as prayed for.

7. Having heard the learned counsel for respective parties and also perused the averments of the complaint, it would indicate that the appellant in order to maintain the status in the society as a rowdy element assaulted the complainant and his friend with an iron rod and caused injuries and also caused damage to the property worth of Rs.5,000/-. Further, he scolded the Manikant Rathod by naming his caste, who belongs to Lambani community, which comes under the Schedule Caste. *Prima facie*, there are materials to show that the appellant has committed the alleged offences. Therefore, it is not appropriate to grant him bail. Hence, I proceed to pass the following:

ORDER

The appeal stands rejected.

Sd/-
(S RACHAIAH)
JUDGE

SRT
List No.: 1 Sl No.: 15
CT:PK