

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR.JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO.537/2016

BETWEEN:

1. Sunil Kumar,
S/o Rangappa,
Aged about 20 years,
Residing at Gopalapura village,
Bagalur Post, Jala Hobli,
Bengaluru North Taluk,
Bangalore 560 0149.
2. Venkatesh Reddy,
S/o Srinivas Reddy,
Aged about 20 years,
Residing at Gopalapura village,
Bagalur Post, Jala Hobli,
Bengaluru North Taluk,
Bangalore 560 0149.
3. Prasanna Kumar,
S/o Veeranna,
Aged about 19 years,
Residing at Gopalapura village,
Bagalur Post, Jala Hobli,
Bengaluru North Taluk,
Bangalore 560 0149. ... Petitioners

(By Sri.M.Kamalji, Advocate)

AND:

The State of Karnataka,
By Bagaluru Police Station,
Bangalore,
Rep.by its Public Prosecutor,
High Court Complex,
Bengaluru 560 001.

... Respondent

(By Sri.K.Nageshwarappa, HCGP)

This Crl.P., is filed u/S 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.1/2016 of Bagalur Police Station, Bengaluru City, for the offences punishable under Sections 506, 448, 504, 323 r/w 149 of IPC and Sec.3(1)(10)(11) of SC/ST (POA) Act.

This Crl.P coming on for Orders this day, the Court made the following:

ORDER

Heard the learned Counsel for the petitioners, who are accused Nos.5, 6 and 8 in a case bearing Crime No.1/2016 on the file of respondent – Police Station. Anticipatory bail application is filed on their behalf.

2. The learned Government Pleader has opposed the bail application essentially on the ground that there is threshold bar to consider the anticipatory bail application since the petitioners had assaulted the first informant with

reference to his caste and the first informant belongs to scheduled caste.

3. After perusing the first information, it is seen that the first informant was abused with reference to his caste as 'Madiga', which is a scheduled caste. Hence, there is bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Accordingly, the bail application is dismissed as not maintainable.

4. Notwithstanding dismissal of the bail application, petitioners are at liberty to seek regular bail before the concerned court by serving a copy of the bail application well in advance to the Public Prosecutor and the learned judge to dispose of the bail application without undue delay, preferably on the very day of taking up the application for consideration as the offence alleged is neither punishable with death nor life imprisonment.

Sd/-
JUDGE

nd/-