

Manjunath S.J @ Samrat Manju Vs State Of Karnataka & Ors

Court: Karnataka High Court At Bengaluru

Date of Decision: Feb. 1, 2025

Acts Referred: Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989 â€” Section 3(1)(r)(s), 14A(2), 18

Indian Penal Code, 1860 â€” Section 143, 144, 148, 149, 323, 324, 327, 354, 355, 448, 504, 506, 509

Juvenile Justice Act, 2000 â€” Section 75

Hon'ble Judges: V Srishananda, J

Bench: Single Bench

Advocate: Narasimharaju, Rahul Rai K

Final Decision: Allowed

Judgement

V Srishananda, J

1. Heard Sri.Narasimharaju, learned counsel for the appellant as well as learned HCGP for respondent No.1-State. Respondent No.2-defacto

complainant served and unrepresented.

2. The present appeal is filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short

SC/ST (POA) Act).

3. The appellant is accused No.8 in Crime No.105/2024 registered by Kamakshipalya Police Station for the offences punishable under Sections 143,

144, 148, 323, 324, 327, 354, 355, 448, 504, 506, 509 read with Section 149 of IPC and Section 75 of Juvenile Justice Act, 2000 and Section 3(1)(r)(s)

of SC/ST (POA) Act.

4. The accused approached this Court for grant of anticipatory bail for the aforesaid offences.

5. The said bail request of the appellant was rejected by the learned Special judge. Therefore, the appellant is before this Court seeking for grant of

anticipatory bail.

6. Sri.Narasimharaju, learned counsel for the appellant addressing the arguments on merits of the matter also brought to the notice of this Court that

similarly placed accused Nos.5 and 7 are already granted anticipatory bail by the District Court itself and rejecting the anticipatory bail for the

appellant has resulted in miscarriage of justice and sought for allowing the appeal.

7. Per contra, learned High Court Government Pleader opposes the bail grounds by contending that Section 18 of the SC/ST (POA) Act is a bar for

entertaining the anticipatory bail request of the appellant and sought for dismissal of the appeal.

8. He also pointed out that the test of parity would fail in the case on hand as the role attributable to the present appellant is different from the role

attributed to accused Nos.5 and 7 and thus sought for dismissal of the appeal.

9. Having heard the parties in detail, this Court perused the material on record meticulously.

10. On such perusal of material on record, it is crystal clear that the case of the prosecution would reveal that the complainant has been abused by

taking out the caste name in the house. Whether at all the same was witnessed by any other general public or not is not forthcoming on record and the

same needs to be investigated by the investigating agency and appropriate provisions have to be invoked by the investigating agency while filing the

charge sheet.

11. Suffice to say that uttering of the abusive words taking out the caste name is by the other accused and insofar as present appellant is concerned,

the allegation made in the complaint is that he has assaulted the complainant and her son by hands.

12. Role assigned to accused Nos.5 and 7 are practically similar to role assigned to present appellant in the complaint. Therefore, without expressing

any opinion on the merits of the matter, the present appellant is also entitled for grant of anticipatory bail on the grounds of parity.

13. The other apprehensions of the prosecution would be met with by imposing suitable and stringent conditions. Further, if the appellant is directed to

join the investigation the same would also facilitate the investigation process.

14. Accordingly, the following:

ORDER

a) The appeal is allowed.

b) The appellant is directed to join the investigation by appearing before the investigation officer on 17.02.2025 at about 10.00 a.m.

c) Investigation officer is at liberty to take the appellant to custody and complete the custodial interrogation, if any, on the very same day before 4.00

p.m. and thereafter enlarge the appellant on bail by taking a personal bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) with one surety for the

likesum to the satisfaction of the investigation officer.

d) Appellant shall co-operate with the investigation officer in all aspects.

e) Appellant shall not tamper the prosecution witnesses in any manner.

f) Appellant shall attend the Court regularly.

g) Appellant shall not leave the jurisdiction of Bengaluru Urban District without prior permission.

h) Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.