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IN THE COURT OF HON'BLE III ADDL SESSIONS JUDGE

EXCLUSIVE SPECIAL COURT

Constituted For Offence Triable Under Scheduled Castes
& Scheduled Tribes [Prevention of Atrocities] Act.

AT: BELAGAVI

DATED: 30TH DAY OF OCTOBER 2025

BEFORE:

Ms. SAVITHA KUMARI. N. B. A. L. , LL. B. ,

In The Matter of Criminal Miscellaneous Case In

Spl. Case. No. 0267 of 2025

BETWEEN:

Shri. Babalu @ Gous,
Son of Raheem Shaikh,
Aged about 19 years,
Resident of Near Jumma Masjid,
Nagarmunnoli,
Taluk: Chikkodi,
District: Belagavi.
[Rep by Adv. Shri. B.N.L.]

Petitioner
Accused No.3

AND

The State of Karnataka,
Represented by
The Station House Officer,
Chikkodi Police Station
District Belagavi
[By Special Public Prosecutor]

Respondent

Shri. Avinash,
Son of Shri. Mahesh Mogale,
Resident of Near Ambedkar Circle,
Nagarmunnoli village,
Taluk: Chikkodi,
District: Belagavi.

Informant

Spl. Case. No. 00267 of 2025
S.C. & S.T. [P.o A.] ACT

Presiding Officer
Exclusive Special Court
III Addl. Sessions Judge

[In compliance of Section 15-A [5]
of Scheduled Caste & Scheduled Tribe
Prevention of Atrocities Act]

ORDER

On Petition under Section 439
of The Criminal Procedure Code.

This is a petition under Section 483 of The Bharatiya
Nagarika Suraksha Sanhita lodged by third accused as
indicated in the Charge Sheet that is lodged in Special
Case No. 267 of 2025 arising out of registered Crime No.
0036 of 2025 wherein this petitioner has been arraigned
as Accused No.3 in the charge sheet.

2. This is a petition under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita lodged by third
accused in Crime No. 36 of 2025 registered by the
respondent No.1 police for offence punishable under
Section 189[2], Section 191[2], Section 191[3], Section
115[2], Section 118[1], Section 352, Section 351[2],
351[3], read with Section 190 of Bharatiya Nyaya Sanhita,
2023 and offence under Section 3[1][r], Section 3[1][s]
and Section 3[2][v-a] of Schedule Castes and Scheduled
Tribes [Prevention of Atrocities] Act.

3. THE SHORN PROJECTION OF THE PROSECUTION:- is that on 04-03-2025 at about 19:00 Hrs. when the victim informant was at the Bus Terminal on State Highway linking Mudhol-Nippani the first accused was eve-teasing the victim and was attempting to touch the victim informant inappropriately.

4. However, son of victim who was informant indicated his displeasure verbally. Therefore, at about 21:00 Hrs., on same day the accused persons gathered in front of house victim and abusing the victim in all vulgarity and by naming caste of accused required the son of victim to be brought out for the accused persons to deal with him.

5. However, the attempts to pacify the accused persons by victim only resulted in the first accused picking up stone and throwing at the victim whose nose suffered simple hurt. Thereafter the other accused persons manhandled the victim and the specific allegations against this petitioner was that victim was

kicked by this accused along with a juvenile. Though the name of this accused was not indicated in the F I R subsequently is brought forth in charge sheet based on material that was on record.

6. Based on the said complaint, crime came to be registered in Chikkodi P.S.Crime No.36/2025 for the alleged offences. After filing the charge sheet the accused No.3 has filed petition for seeking pre-arrest protection in Crl.Misc.No.864 of 2025 and same has been rejected on 30-08-2025 with direction to appear on the next date of hearing and file application under Section 483 of Bharatiya Nagarika Suraksha Sanhita, and appear before this Court with this application. The petitioner stated that he was not unaware of the date of this case, hence the petitioner remained absent on 3-9-2025 and very next day the petitioner came to know about the date of the said case. Thereafter the petitioner has lodged this application seeking enlargement of accused on interim bail pending disposal of the trial on the following grounds:-

i. There are no reasons to believe that the petitioner has committed the offences complained of.

ii. The very ingredients of the offences complained of are absent in the complaint.

iii. The alleged offences are not punishable with death or imprisonment for life.

iv. As per the complaint at the time of incident the present petitioner was not present on the spot.

v. There is no direct allegation against this petitioner and the injuries sustained by the complainant are simple in nature.

vi. Except offences under Section 118[1] of B.N.S., rest of the offences are bailable.

vii. The petitioner is of young aged and student and having old mother who is fully depend upon him.

viii. The petitioner is permanent resident of the address given in the cause title and having both movable and immovable properties. Hence, there is no chance of his abscondence if he is released on bail.

ix. The petitioner is ready and willing to abide by any of the conditions that may be imposed by this Court.

7. The prosecution has lodged the Statement of objections after reiteration of the contents of complaint and further states that:-

i. There is prima-facie case Charge Sheet is lodged against the accused, after completion of investigation.

ii. In the event of enlarged the accused petitioner on bail, there is every chance of his meddling with the investigation and tampering the prosecution witnesses as well as prolonged absconding that will protract the trial. In the event of release of petitioner on bail, there is likelihood of accused fleeing away from the course of justice and the said petitioner may tamper with the prosecution witnesses or cause threat or undue influence on them. There is every possibility of accused petitioner being emboldened in the event of being enlarged on bail and may indulge in similar offences.

iii. The accused being both affluent and influential politically may exert duress on witnesses and there could be adverse impact on the trial.

8. The informant has appeared and objected the bail application and further states that, he would lodge the statement of objection through Special Public Prosecutor.

9. In this backdrop the point that merits the consideration of this court is that :-

Whether the petition lodged by the accused under Section 483 of the Bharatiya Nagarika Suraksha Sanhita deserves to be allowed? And What should be the Order?

10. I have perused the petition; Statement of Objections placed before me. Considering all these materials, I proceed to determine the point for consideration based on the following reasons.

REASONS

11. Earlier this accused has lodged a bail application under CrI.Misc.No.864 of 2025 that came to

be rejected with a direction to surrender before this Court and move an application under Section 483 of Bharatiya Nagarika Suraksha Sanhita seeking enlargement on bail.

12. However, this petitioner has not complied with that directions within time and later has filed application seeking enlargement on bail.

13. The complainant police have accomplished the investigation and lodged the charge sheet. Therefore, there is no need and necessity of custodial interrogation of the accused petitioner. The prosecution has not disputed the permanent residence of the accused petitioner. The accused has pleaded that he is the student. The securing of the accused petitioner for ensuing trail is not an impossibility. Therefore, imposition of condition would suffice the requirement of prosecution.

14. Therefore, holding point for consideration in the affirmative, I proceed to pass the following order:-

ORDER

I. The petition under Section 483 of the Bharatiya Nagarika Suraksha Sanhita lodge by the third accused, in Crime No. 36 of 2025 now registered as Spl. SC. No. 267 of 2025 registered by the respondent police for offence punishable under Section 189[2], Section 191[2], Section 191[3], Section 115[2], Section 118[1], Section 352, Section 351[2], 351[3], read with Section 190 of Bharatiya Nyaya Sanhita, 2023 and offence under Section 3[1][r], Section 3[1][s] and Section 3[2][v-a] of Schedule Castes and Scheduled Tribes [Prevention of Atrocities] Act, hereby stands allowed subject to compliance of following conditions:-

i. the petitioner shall execute Personal Bond for Sum of Rs. 5,000/= .

ii. Furnish one surety by the accused for the like sum.

II. The accused Petitioner shall not tamper with any evidence that is in the knowledge of the accused Petitioner that it shall be used against him or that may be discovered at any point of time in by further investigation.

III. The accused Petitioner shall not induce or influence any persons who has been examined or may be examined by the prosecution or any person who knows the facts of this case and thereby induce or dissuade such person or persons from disclosing the facts about this case to any public servant or investigation officer or to the court in trial that may ensue.

IV. The accused Petitioner shall attend the court and proceedings on all dates of hearing without fail.

[Partly dictated to the Steno Grade I, partly dictated directly on computer, transcription revised, typed by her, corrected, and signed and pronounced by me in the open court on this the 30th day of October 2025]

SAVITHA KUMARI. N
III ADDL SESSIONS JUDGE
EXCLUSIVE SPECIAL COURT
Constituted For Offence Triable Under
Scheduled Castes & Scheduled Tribe
[Prevention of Atrocities] Act.
BELAGAVI

