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IN THE COURT OF HON'BLE III ADDL SESSIONS JUDGE

THE EXCLUSIVE SPECIAL COURT

constituted for offence triable under Scheduled Castes &
Scheduled Tribes [Prevention of Atrocities] Act.

AT: BELAGAVI

DATED: 5th DAY OF JUNE 2026

BEFORE:

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

In The Matter of Criminal Miscellaneous Case In

Crl. Misc. No. 692 of 2026

BETWEEN:

Shri. Nanasaheb A.k.a.Nana Jadhav,

Son of Shri. Appasab Jadhav,

Aged about 37 years,

Resident of Gundewadi,

Taluk: Athani,

District: Belagavi.

[Rep by Adv. Shri.S.A.S]

Petitioner

Accused No. 5

AND

The State of Karnataka,

The Station House Officer

Athani Police Station,

Belagavi.

[By Special Public Prosecutor]

Respondent

AND

Shri. Devendra Kamble,

Son of Suresh Kamble,

Aged about 32 years,

Resident of Gundewadi,

Taluka: Athani,

District: Belagavi.

[By Special Public Prosecutor]

Informant.

[In compliance of Section 15-A [5]

of Scheduled Caste & Scheduled Tribe
Prevention of Atrocities Act]

Crl. Misc. No. 00692 of 2026

S.C. & S.T. [P.o A.] ACT

Presiding Officer

III Addl. Sessions Judge.

ORDER

[On Petition under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita]

The petitioner is before this Court seeking pre-arrest protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita being arraigned as fifth accused in Spl.Case No. 497 of 2025 arising out of Crime No. 134 of 2025 registered by the respondent for offence punishable under Section 109[1], Section 189[2], Section 191[2], Section 191[3], Section 351[2] Section 352 and Section 74 read with Section 190 of Bharatiya Nyaya Sanhita and under Section 3[1][r], Section 3[1][s] and Section 3[2][v], and Section 3[2][va] of Scheduled Castes and Schedule Tribes [Prevention of Atrocity] Act.

2. However, before harping upon the merits of petition or the Statement of objections and say of informant on the issue of granting pre-arrest protection and so also the Bar under Section 18 of the Scheduled Castes and Scheduled Tribe [Prevention of Atrocities] Act will have to be considered first that will determine maintainability of this petition apart from fact the non-

maintainability in view of this Court having issued summons.

3. The complainant Police have lodged Charge Sheet, and this Court had issued summons for appearance of the accused petitioners herein. Despite service of summons the accused failed to appear before Court. Therefore, this Court has issued Non-Bailable Warrant. Against issuance of such Non-Bailable Warrant this petition is lodged.

4. A relief sought in a petition under Section 482 of Bharatiya Nagarika Suraksha Sanhita is seeking direction to enlarge the accused on bail in the event of arrest. In the instant case the said stage is bygone. The Police have been directed to execute a Non-Bailable Warrant by this Court. When police cause arrest now it is in execution of Non-bailable warrant and not in process of investigation.

5. Allowing a petition of this nature will only have effect of this Court requires the police to seek Personal Bond and Surety Bond and enlarge the petitioner on Station Bail where a Non-Bailable Warrant does not permit the police to do so. Upon arrest the police have to cause arrest and produce the accused before Court and Court will determine whether further enlargement is feasible or not. All that police can do is to execute the warrant and cause produce the accused before the Court. Therefore, against law a direction cannot be issued granting pre-arrest protection.

6. Further in the event of this Court allowing the petition, it will result in frustrating the very Order of this Court that has issued Non-Bailable warrant that direction to the police to cause arrest by executing No-Bailable Warrant, so issued, will be stalled by this Order of pre-arrest protection. Thus, the powers of Court to recall the warrant or to commit the accused to prison will abridged

by the Order if allowed and tantamount to delegation of powers to police to enlarge the accused.

7. Further there cannot be two arrest procedures, one under powers of police to arrest and one under Non-Bailable warrant issued by this Court. That is unknown to Criminal Jurisprudence. Hence a Non-bailable warrant issued by this Court cannot be scuttled by granting pre-arrest protection under Section 482 of Bharatiya Nagarika Suraksha Sanhita

8. The ground raised that other accused have been enlarged on bail and hence on ground of parity the accused must be accorded pre-arrest protection. The ground of parity in such an event is inapplicable reasons. Therefore, this petition is misconceived.

9. When it was so, the only option that was left for petitioners was to surrender before Court and lodge an application under Section 483 of the Bharatiya Nagarika Suraksha Sanhita seeking interim bail pending

disposal of the Trial and or seek recall of Non-Bailable Warrant and concomitantly tender proper reason for not obeying summons.

10. At that juncture pending consideration of the application the victim will also be secured and heard and accused will not be arrested until such application is disposed of as accused have been before Court in response to summons.

11. Further proceedings on such application under Section 483 of Bharatiya Nagarika Suraksha Sanhita shall follow the merit of such application and gravity and heinous acts attributed to the accused. This is the procedure that is required to be followed and there is no other alternative. Therefore, holding that petition as not maintainable I proceed to pass the following Order:-

O R D E R

- I. Petition under Section 482 of The Bharatiya Nagarika Suraksha Sanhita lodged by the fifth accused in Spl.C. No. 497 of 2025 arising out of Crime No.

134 of 2025, pending on the file of this Court, registered by the respondent police for Offence punishable under Section 109[1], Section 189[2], Section 191[2], Section 191[3], Section 351[2] Section 352 and Section 74 read with Section 190 of Bharatiya Nyaya Sanhita and under Section 3[1][r], Section 3[1][s] and Section 3[2][v], and Section 3[2][va] of Scheduled Castes and Schedule Tribes [Prevention of Atrocity] Act, hereby stands rejected summarily as not maintainable.

[Dictated to stenographer Grade I directly on computer, typed by her, script corrected and signed and pronounced by me in the open court on this the 5th day of June 2026]

SAVITHA KUMARI .N
THE III ADDL. SESSIONS JUDGE
JUDGE OF EXCLUSIVE SPECIAL COURT.
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Scheduled Castes & Scheduled Tribes
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