

KABG010044202026



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: 09th 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. 00746 of 2026

BETWEEN:

Smt. Kenchavva Hosur,
Wife of Shri. Bhimappa Hosur,
Aged about 43 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.1
Accused No.1

Smt. Shivaleela Nilagar,
Wife of Shri. Shrishail Nilagar,
Aged about 44 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.2
Accused No.2

Shri. Mallesh Nilagar,
Son of Shri. Shrishail Nilagar,
Aged about 25 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.3
Accused No.3

Shri. Ramappa Hosur,
Son of Shri. Bhimappa
Aged about 25 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.4
Accused No.4

Shri. Banappa Hosur,
Son of Shri.Bhimappa Hosur,
Aged about 36 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.5
Accused No.5

Shri.Bhimappa Hosur,
Son of Shri. Laxmappa Hosur,
Aged about 65 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.6
Accused No.6

Shri. Praveen Nilagar,
Son of Shri. Shrishail Nilagar,
Aged about 23 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.7
Accused No.7

Smt. Siddavva Hosur,
Wife of Shri. Bhimappa Hosur,
Aged about 66 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.8
Accused No.8

Smt. Shivakka Hosur,
Wife of Shri. Bhimappa Hosur,
Aged about 51 years,
Resident of Masaguppi,
Taluk: Mudalagi,
District: Belagavi.

Petitioner No.9
Accused No.9

[Rep by- Adv. Shri. S.S.B.]

AND
The State of Karnataka.
Represented by

The Station House Officer,
Mudalagi Police Station,
Belagavi
[By Special Public Prosecutor]

Respondent

AND

Kasturevva A.k.a. Kasturi Gasti,
Daughter of Sanvakka Gasti,
Aged about 56 years,
Resident of Deshpande Plot,
Mudalagi, Taluk: Mudalagi,
District: Belagavi.

Informant

ORDER

On Petition under Section 482
of The Bharatiya Nagarika Suraksha Sanhita.

The petitioners are before this Court seeking pre-arrest protection under Section 482 of the Bharatiya Nagarika Suraksha Sanhita being arraigned as first accused to ninth accused in Crime No. 0119 of 2026 registered by the respondent police for offence punishable under Section 191[2], Under Section 115[2], Under Section 118[1], Under Section 127, Under Section 352, Under Section 351[2], Under Section 109, Under Section 74 Under Section 190 under Section 3[1][r], Section 3[1][s], Section 3[2][va], Section section 3[1][w] of Schedule Caste and Schedule Tribe [Prevention of Atrocities] Act.

2. THE SHORN PROJECTION OF THE PROSECUTION

that on 06-05-2026 the informant and her friends together go for cattle business to the house of one Mutteppa Fakkirappa Tigadi of Masaguppi village, However nurturing earlier grudge nine accused persons formed an unlawful assembly carrying deadly weapons accosted informant and her friends and suddenly assaulted these.

3. The accused petitioners abused the informant in vulgarity, insulting by naming caste of accused and also attempted to commit her homicide by stabbing her with knife and wrongfully confined Mutteppa and his wife in their house and hence crime came to be registered and the petitioner is arraigned as first accused to sixth accused in F I R and hence being apprehensive of arrest, this petitioner the present petition is lodged seeking pre-arrest protection on the following grounds:-

i. That on the face reading of complaint it appears to be false and has been at instigation of Shri. Mutteppa Fakirappa Tigadi wherein there was civil dispute between petitioners and said Mutteppa Fakirappa Tigadi is in

existence and thus coloured the civil dispute as Atrocity in order to harass these petitioners.

ii. That the complainant has been lodged on false premises and is cross case to the compliant lodged by these petitioners in Crime No. 118 of 2026 on 07-05-2026. The petitioners have also placed copy of F I R.

iii. The Petitioners undertakes to appear before the before the court as and when required and all dates of hearing without fail. That petitioner further undertake that rto abide by conditions that may be imposed by this Court.

4. STATEMENT OF OBJECTIONS BY THE STATE contains reiteration of contents of the complaint and it is further stated that the investigation is at nascent stage. The name of petitioner appeared in the First Information Report and requires material evidence to be collected. The accused may abscond and cause protraction of the investigation. The accused is affluent and influential and therefore employing the same, witnesses may be meddled with, and evidence may be tampered. There is a bar under the provision of Section 18 of Schedule Castes & Schedule

Tribes [Prevention of Atrocities] Act, to seek pre-arrest protection. Therefore, the learned Exclusive Public Prosecutor seeks rejection of the petition.

5. SAY OF THE INFORMANT:- The informant appeared in person in response to the Notice under Section 15[3] in order comply Section 15[5] of Schedule Castes & Schedule Tribes [Prevention of Atrocities] Act and opposes to grant anticipatory bail and adopted the objections of Learned Special Public Prosecutor.

6. Amidst these grounds raised by the Petitioner and the allegations by the informant and the prosecution, the points that merit the consideration of this Court are:-

- I. Whether the petition is barred under Section 18 of Schedule Caste & Schedule Tribe [Prevention of Atrocities] Act ?
- II. Whether the petition lodged by the accused persons under Section 482 of the Bharatiya Nagarika Suraksha Sanhita deserves to be allowed on merits ? And What should be the Order?

7. I have perused the petition statement of objections placed before me and say of the informant. Considering all these materials, I proceed to determine the point for consideration based on the following reasons.

R E A S O N S

8. At the out set the complaint narrates about the stabbing injury by use of dangerous weapon and abuses are hurled only for the reason that the victim is a member of Scheduled Caste as narrated in the complaint. Thus prima facie offence gets constituted that is grave and heinous in so far as offence under Bharatiya Nyaya Sanhita is concerned and the utterances and inflictions amounts to atrocity in so far as the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act is concern. Therefore, when prima facie case is writ large on the face of allegations the bar under Section 18 of the Act operates naturally.

9. Though the accused are said to be from the local area the question of considering the same or undertaking so promised will bear no consequences. Therefore, in view

of holding the Point No. I in the affirmative. Point No. II does not merit the consideration of this court. The petition will have to be rejected at the very threshold of this court. Hence, I proceed to pass the following:

O R D E R

- I. The petition under Section 482 of the Bharatiya Nagarika Suraksha Sanhita being arraigned petitioners as first accused to ninth accused in Crime No. 0119 of 2026 registered by the respondent police for offence punishable under Section 191[2], Under Section 115[2], Under Section 118[1], Under Section 127, Under Section 352, Under Section 351[2], Under Section 109, Under Section 74 read with Section 190 under Section 3[1][r], Section 3[1][s], Section 3[2][va], Section 3[1][w] of Schedule Caste and Schedule Tribe [Prevention of Atrocities] Act, is not maintainable and hereby stands summarily rejected, 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 9th day of June 2026]

SAVITHA KUMARI .N
THE III ADDL. SESSIONS JUDGE
JUDGE OF EXCLUSIVE SPECIAL COURT.
Constituted for offence Triable under
Scheduled Castes & Scheduled Tribes
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