

KABG010046622026



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: 12 TH 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. 00830 of 2026

BETWEEN:

Neelavva Madar,
Daughter of Shivappa Madar,
Aged about 41 years,
Resident of Nandagaon,
Taluk: Athani, District: Belagavi.

Petitioner No. 1
Accused No. 2

Laxmi Madar,
Wife of Siddappa Madar,
Aged about 38 years,
Resident of Nandagaon,
Taluk: Athani, District: Belagavi.

Petitioner No. 2
Accused No. 3

Jayashri Ganachari A.k.a Madar,
Daughter of Annappa Ganachari A.k.a Madar,
Aged about 36 years,
Resident of Nandagaon,
Taluk: Athani, District: Belagavi.

Petitioner No. 3
Accused No. 4

Siddappa Madar,
Son of Shivappa Madar,
Aged about 42 years,

Resident of Nandagaon,
Taluk: Athani, District: Belagavi.
[Rep by Adv. Shri. A.K.I]

Petitioner No. 4
Accused No. 5

AND

The State of Karnataka.

Represented by

The Station House Officer,

Athani Police Station

Taluka & District Belagavi

[By Special Public Prosecutor]

Respondent

AND

Smt. Lakkavva Madar,

Wife of Bharmappa Madar,

Aged about 50 years,

Resident of Nandagaon,

Taluk: Athani, District: Belagavi.

Informant

[Absent]

[In compliance of Section 15-A [5]

of Scheduled Caste & Scheduled Tribe

Prevention of Atrocities Act]

ORDER

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

The petition under Section 482 of The Bharatiya
Nagarika Suraksha Sanhita lodged by 2nd accused to 5th
accused in Spl. Case No.286 of 2026 arising out of
Crime No. 487 of 2025 pending on the file of this Court,
registered by the respondent police for Offence
punishable under Section 189[2], Section 191[2], Section
49, Section 352, Section 351[2] read with Section 190 of

Bharatiya Nyaya Sanhita and offence under Section 3[l]
[r], Section 3[1][s], 3[2][v-a] of Schedule Caste and
Scheduled Tribe [Prevention of Atrocities] 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 the maintainability of the
petition in view of this Court having issued summons and
therefore the maintainability is required to be
considered.

3. The complainant Police have lodged Charge
Sheet and this Court has issued summons on 04-04-2026
appearance of the accused on 25-06-2026. Once
summons is issued the Police Cannot cause arrest and
hence there is no apprehension from Police in the first
place and in the second place this Court cannot detain an
accused or take them into custody when appears under

summons before this Court in second place and hence the petition sans apprehension is not maintainable.

4. When it is so the only option left for petitioners is to appear before Court and lodge an application under Section 483 of the Bharatiya Nagarika Suraksha Sanhita and seek interim bail pending disposal of the Trial. 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 has been before Court in response to summons.

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

ORDER

- I. Petition under Section 482 of The Bharatiya Nagarika Suraksha Sanhita lodged by 2nd accused to 5th accused in Spl. Case No.286 of 2026 arising out of Crime No. 487 of 2025, pending on the file of this Court, registered by the respondent police for Offence punishable under Section 189[2], Section 191[2], Section 49, Section 352, Section 351[2] read with Section 190 of Bharatiya Nyaya Sanhita and offence under Section 3[1][r], Section 3[1][s], 3[2][v-a] of Schedule Caste and Scheduled Tribe [Prevention of Atrocities] Act, hereby stands rejected summarily as not maintainable.
- II. However, this Order shall not entitle the complainant Police to cause arrest of these petitioners.
- III. The accused persons shall appear before this Court on the day specified in summons and lodge necessary application or petition under Section 483 of the Bharatiya Nagarika Suraksha Sanhita and seek bail and the accused

persons shall neither be taken into custody nor arrested until victim is heard and the application under Section 483 of Bharatiya Nagarika Suraksha Sanhita is disposed on its merits independently.

[Dictated to the Stenographer directly on computer and typed by her, corrected, and pronounced by me in the open Court under the Seal and Signature of this Court on this the 12th day of June 2026]

SAVITHA KUMARI. N
III Additional Sessions Judge,
The Exclusive Court
Constituted for offence Triable
under Scheduled Caste & Scheduled
Tribe [Prevention of Atrocities] Act.
Belagavi.

