

KABG010046682026



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: 16th 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. 833 of 2026

BETWEEN:

Smt. Sushilavva A.k.a Sushila Goudar
A.k.a Ramangoudra,
Wife of Shri. Gurangouda Goudar
A.k.a Ramangoudra,
Aged about 54 years,
Resident of Siddapur,
Taluk: Nargund,
District: Gadag.

Petitioner No.1
Accused No.1

Smt. Rajeshwari Goudar A.k.a Patil,
Wife of Shri. Vasanta Gouda
Goudar A.k.a Patil,
Aged about 38 years,
Resident of Mallapur
S. L. Lakhamapur,
District: Bagalkot.

Petitioner No.2
Accused No.2

Mr. Mallikarjun Sambal
A.k.a Samblad,
Son of Shri. Irayya Sambal
Aged about 37 years,
Resident of Sutagatti,
Taluk: Saundatti,
District: Belagavi.

Petitioner No.3
Accused No.3.

Mr. Prakash Sambal
A.k.a Samblad,

Crl. Misc. No. 00833 of 2026
S.C. & S.T. [P.o A.] ACT

Presiding Officer
III Addl. Sessions Judge.

Son of Shri. Irayya Sambal
Aged about 35 years,
Resident of Sutagatti,
Taluk: Saundatti,
District: Belagavi.

Petitioner No.4

Accused No.4.

Mr. Mahantesh Matagi,
Son of Somappa Matagi,
Aged about 47 years,
Resident of Hittanagi,
Taluk: Saundatti,
District: Belagavi.
[Rep. by Adv. Shri. S.S.M.]

Petitioner No.5

Accused No.5

AND

The State of Karnataka,
The Station House Officer
Saundatti Police Station,
Belagavi.

[By Special Public Prosecutor]

Respondent

AND

Smt. Neela Patil,
Wife of Shri. Rudragouda Patil,
Aged about 58 years,
Resident of Hittanagi, Taluk: Saundatti,
Now residing at: Tejaswini Nagar,
Jadhav Colony, Dharwad,
Taluk & District: Dharwad

[Rep. by Adv. Shri. B. R. P.]

Informant.

[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 Nagarik Suraksha Sanhita]

The petitioners is before this Court seeking pre-
arrest protection under Section 482 of the Bharatiya

Nagarik Suraksha Sanhita being arraigned first accused to fifth accused in Crime No. 0324 of 2026 registered by the respondent for offence punishable under Section 189[2], Section 191[2], Section 115[2], Section 352, Section 351[2] of Bharatiya Nyaya Sanhita and under Section 3[1][r], Section 3[1][s], Section 3[2][va] of Scheduled Castes and Schedule Tribes [Prevention of Atrocity] Act.

2. The shorn projection of the prosecution is that the informant a member of scheduled caste having married to one Shri. Rudragouda Patil, a nonmember of scheduled caste or scheduled tribe about 34 years back have settled at Dharwad and often visitors to the house of relatives of her husband, those being the accused herein. For the last 25 years the accused persons were torturing the informant and insulting and humiliating the informant for the reason that victim is member of scheduled caste. While so on 23-05-2026 at 11-30 hours, when the informant went to house of her husband at Hittanagi , the accused No.1 to 5 together abused her in vulgarity and insulting by naming her caste and assaulted the informant with hands and also

threatened the informant with dire consequences, in the event of victim visited to village again.

3. Hence, crime came to be registered, and the petitioners are arraigned as first accused to fifth accused in F I R and hence being apprehensive of arrest, these petitioners have lodged this petition seeking pre-arrest protection, on the grounds that the petitioners are innocent and have not committed any of the offences alleged. Further delay in lodging the complaint is not reasonable. The marriage being a bygone story of 34 years there was no question abusing or insulting the victim by referring her Caste.

4. There has been civil litigation pending wherein petitioners No.1 and 2 and others and complainant husband are the parties to the suit. A complaint has been lodged by petitioners No.2 and another complaint has been lodged by one Mr. Ravi Yallappa Madar against the present complainant and her husband and others before the Saundatti police station under its P. S. Crime No. 327 of 2026

and 326 of 2026 respectively in respect of the incident which took place on 23-05-2026. The elders of the village Infact had settled the matter between the parties, however the complainant has lodged a false complaint. The offences alleged against the petitioners are not punishable with death or imprisonment for life. The petitioners are the residents of the address given in the cause title possess movable and immovable properties.

STATEMENT OF OBJECTIONS BY THE STATE

5. Exclusive Special Public Prosecutor has lodged the Statement of objection by reiterating the contents of complaint and stated that the investigation is at nascent stage, that the materials documents are yet to be collected and there is every possibility of accused petitioners being emboldened in the event relief being granted as prayed for and may indulge in similar offences. It is further contended that the accused petitioners may avenge, lodgment of compliant that may result in further offences. The accused may even abscond permanently and cause protraction of

Investigation. The twisted self-serving version that has been set out in the petition is refuted.

SAY OF THE INFORMANT:-

6. The informant was present in in response to the Statutory person and stated that the accused persons are her sister-in-law and the children of her sister-in-law and relatives of marriage is inter caste marriage. The accused is not allowing her and her husband to the home. The accused persons insulting her by her caste. Hence prays for rejection of bail.

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

I. Whether the petition under Section 482 of the Bharatiya Nagarika Suraksha Sanhita is maintainable despite the Bar under Section 18 of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act

II. Whether the petition lodged by the accused under Section 482 of the Bharatiya Nagarika Suraksha Sanhita deserves to be allowed? And

III. What should the Order be?

7. I have perused the petition. Statement of

Objections placed before me. Heard all the parties. Considering all these materials, I proceed to determine the point for consideration based on the following reasons.

REASONS

8. At the outset the whole gambit of allegation is not caste oriented but property oriented. Further careful perusal of the address of parties indicated that petitioners are all scattered and not living under one roof. Therefore, alleged incident appears to be not true as victim who appeared in person also stated that her husband was not allowed into the house. When facts are so the question of victim visiting the house of husband does not arise at all. Therefore, the Civil litigation is intended to be given hue of criminality. Hence prima-facie case is dissipated.

9. It is also admitted by the informant that the said Rudragouda Patil, is belonged to Hindu Lingayat and the petitioners are the brothers and sisters of the husband of the informant. Therefore, the alleged incident is not caste oriented but for the sake of property dispute.

10. The accused are permanent residents of their respective place and well settled and hence the securing accused is not an impossibility. Imposition of Conditions will suffice requirement of prosecution to protect the sanctity of investigation. Hence discretion leans in favour of petitioners and therefore holding both points for consideration on the affirmative I proceed to pass the following Order:

ORDER

- I. The petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita being arraigned first accused to fifth accused in Crime No. 0324 of 2026 registered by the respondent for offence punishable under Section 189[2], Section 191[2], Section 115[2], Section 352, Section 351[2] of Bharatiya Nyaya Sanhita and under Section 3[1][r], Section 3[1][s], 3[2][va] of Scheduled Castes and Schedule Tribes [Prevention of Atrocity] Act hereby stands allowed as maintainable subject to following compliance:-

II. The Station House Officer is directed to enlarge the first accused to fifth accused the petitioners herein in the event upon arrest subject to further compliance:-

- i. Each accused petitioner shall execute a personal Bond for sum of ₹. 1,00,000/=
- ii. That each accused shall furnish a surety for the like sum.

III. That the accused shall not tamper with evidence nor influence witnesses by deterring witnesses from revealing any fact or evidence that is within knowledge of any person who may be cited as witness regarding any aspects of matter or persuade or dissuade such disclosure to the Investigation officer or Court at any time.

IV. The accused shall cooperate with investigation officer during the investigation.

[Dictated to stenographer Grade I directly typed on computer, script corrected and signed and pronounced by me in the open court on this the 16th day of June 2026]

SAVITHA KUMARI. N
III Additional Sessions Judge,
The Exclusive Special Court
Constituted for offence triable under
Scheduled Castes & Scheduled Tribes
[Prevention of Atrocities] Act.
Belagavi.