

KACD010014832026



Presented on : 10-04-2026
Registered on : 10-04-2026
Decided on : 01-06-2026
Duration : 1 month, 22 days

**IN THE COURT OF SPECIAL, 2ND ADDL. DISTRICT AND
SESSIONS JUDGE, CHITRADURGA.**

PRESENT:- SRI. Gangadhar Channabasappa Hadapad
B.Com., LLB(Spl)
Spl, 2nd Addl. Dist & Sessions Judge
Chitradurga

DATED THIS 1st DAY OF June 2026

Criminal Miscellaneous. No.390/2026

PETITIONER /S :

1. Syed Khalandar s/o Rafeeq Sab, aged about 43 years, r/o Behind Poudyamma temple, Hiriya town. **(Accused No.1)**
2. Syed Rahamani s/o Rafeeq Sab, aged about 36 years, r/o K.M. Kottige, Hiriya taluk, **(Accused No.2)**
3. Noorjan w/o Rafeeq Sab, aged about 56 years, r/o K.M. Kottige, Hiriya taluk, **(Accused No.3)**
4. Muneera w/o Rehaman, aged about 38 years, r/o K.M. Kottige, Hiriya taluk,

(Accused No.4)

(By Sri. Mahammad Asif Ikbal Abdul Salam, Advocate.)

Vs-

RESPONDENT/S :

State by Town police, Hiriyur

(By Spl. Public Prosecutor, Chitradurga)

**ORDER ON BAIL PETITION UNDER SECTION 482
OF BNSS 2023**

This petition is filed by the petitioners/accused Nos.1 to 4 under Section 482 of BNSS for seeking to enlarge them on anticipatory bail in Hiriyur Town P.S Cr.No.83/2026 for the offences punishable under Section 115(2), 118(1), 352, 351(3), 133, 3(5) of BNS and Section 3(1)(r)(s) of SC/ST (POA) Act for the reasons stated therein.

2. The learned Public Prosecutor has filed objections and prays to dismiss the petition for the reasons stated therein.

3. Complainant appeared before the court and submitted objection to the bail petition.

4. Heard the arguments of learned counsel for petitioners and learned Spl. Public Prosecutor. Perused the records.

5. The following points would arise for my consideration:

1. Whether the petitioners/accused Nos.1 to 4 have made out reasonable grounds for grant of bail as sought for?

2. What order?

6. My finding on the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : As per final order for

the following:

R E A S O N S

7. **POINT No.1:-** FIR and complaint discloses that, complainant is resident of Harichandraghat, Hiriyyur town. On 20.03.2026 at 12.00 p.m. when he was in the house accused No.1 came near his house and called him and abused him in filthy languages and with an old motive suddenly by picking the stick assaulted on his cheeks, head and hands. When he questioned the same, accused abused him by taking his caste and threatened to his life and also abused him in filthy languages. Accused No. 2, 3, 4 assaulted him by slipper and stone and abused him in filthy languages and threatened to his life. Then his mother Annapurnamma and his daughter Deepika came and pacified the quarrel. Then he took treatment in Hiriyyur

Government Hospital and then he took treatment in Government District Hospital Chitradurga from 28.03.2026 to 23.03.2026. Police registered case against the accused for the above said offences.

8. Advocate for the petitioners have argued that they are innocent and they have not committed any offence as alleged against them. There is a delay in filing the complaint. There are no prima facie material against the accused for committing the alleged offences. Alleged offences are not punishable with death or imprisonment for life. They undertakes to abide by the conditions imposed by this court and ready to furnish surety to the satisfaction of the court. Hence, prays to release them on bail.

9. The learned Public Prosecutor has filed objection and contented that there are prima facie material against the accused for committing the alleged offences. The petitioners are not entitled for anticipatory bail as there is a prohibition under Section 18 of the SC/ST (Prevention of Attrocities Act) to grant anticipatory bail to the accused. Investigation is not yet completed. If accused are released on bail, they may tamper the prosecution witnesses and may

abscond from the jurisdiction of the court. Hence, prays to reject the bail application.

10. The learned counsel for the petitioners has furnished the following decisions.

1. ***The Hon'ble High Court of Karnataka reported in Crl.A.No.2307/2025 between Manjunath Vs. The State of Karnataka***, wherein it is held as under:-

A perusal of the complaint, at this stage, reveals that there is no prima-facie materials to show that the accused has abused the complainant in public view. Hence, there is no bar to grant anticipatory bail as sought for.

2. ***He has also furnished the decision of Hon'ble High Court of Karnataka reported in 2023(1) KCCR 375 between Chethan B.S Vs. State by Hiriur Town P.S and another***, wherein it is held as under:-

Section 14-A(2), 3(1)(r)(s) and 3(2)(v-a)- Penal code 1860-Sections 323, 307, 341, 504, 506- Denial of Anticipatory Bail- Wrong application of Section 18 of the Atrocities Act -Facts: Quarrel between appellant and the Second respondent – On disclosing respondent's identity, Appellant started abusing him in the name of caste and assaulted him – Observation

-enmity between the appellant and second respondent
– Difficult to infer that the incident took place in the background of caste, at this stage -Non-applicablity of Section 18 Counter FIR lodged by Appellant indicates that Second Respondent tried to drive his lorry on appellant – Medical certificates shows injuries simple in nature – Appellant has made out a reasonable apprehension of being arrested -No Prima Facie case made out, his Presence could be secured for investigation purpose.

3. He has also furnished the decision of Hon'ble High Court of Karnataka reported in 2024(4) KCCR 3862 between Rajeshwari Vs. The State of Karnataka, wherein it is held as under:-

Section 3(2)(va)- Bail – Accused a woman having three minor children – Whether bail could be granted- Held, looking at the facts of the case bail granted with conditions.

4. He has also furnished the decision of Hon'ble Supreme Court reported in 2024(5) KCCR SN 88 (SC) between Shajan Skaria Vs. State of Kerala and another, wherein it is held as under:-

Held : All insults intimidation to a member of the Scheduled Caste or Scheduled Tribe will not amount to

an offence under the Act, 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe.

11. On perusal of the complaint, it prime faice discloses that the incident took place in front of the house of the accused. The accused has not stated the presence of any public. On perusal of the complaint, it prima facie discloses that the alleged incident not took place on the background of the caste. It prima facie discloses that there is ill will between the complainant and accused and with regard to the ill will the said incident took place.

12. On perusal of the complaint, it prima facie does not attract the provisions of SC/ST (POA) Act. As per the above-said citations it is clear that if the complaint does not attract the provisions of SC/ST (POA) Act, then there is no bar to grant anticipatory bail to the accused. The offence under Section 118(1) of BNS is non-bailable, but not punishable with death or imprisonment for life. The apprehension raised by the learned Public Prosecutor that accused may tamper the prosecution witnesses and may abscond from the jurisdiction of the court can be met out for imposing stringent conditions. The objection filed by the learned

Public Prosecutor discloses that, police has already conducted the mahazar and seized the articles. Hence, the registration of the complaint shows the apprehension of the petitioners that they may be arrested by the respondent police for the above said offences. Hence, this court is of the view that, the petitioners have made out sufficient ground to release them on anticipatory bail. Hence, I answer Point No.1 in the affirmative.

Point No.2 :

13. For the forgoing reasons and discussions, I proceed to pass the following:

O R D E R

Petition filed by the accused Nos.1 to 4 /petitioners under Section 482 of BNSS 2023 is hereby allowed.

The respondent Police are directed to release the petitioners in the event of their arrest in Cr.No.83/2026 of Hiriya Town Police registered for the offences punishable under Section 115(2), 118(1), 352, 351(3), 133, 3(5) of BNS and Section 3(1)(r)(s) of SC/ST (POA) Act, on executing personal bond for Rs.50,000/- each with one surety for likesum subject to following conditions;

- (1) The petitioners shall mark their attendance before the concerned IO on every alternative Sunday between 9.00 am to 5.00 pm for 60 days or till filing of the final report whichever is earlier.
- (2) The petitioners shall not tamper the prosecution witnesses and shall not make any efforts to destroy the evidence to be collected by the prosecution.
- (3) The petitioners and their sureties shall furnish their sufficient address proof before the I.O/concerned court.
- (4) The petitioners shall surrender before the respondent police within 30 days.
- (5) In case of violation of bail conditions, the respondent/police can seek cancellation of bail.

(Dictated to the Adalath ai, corrected, signed and then pronounced by me in the open court on 1st day of June 2026)

(Gangadhar Channabasappa Hadapad)
Spl. 2nd Addl. Dist & Sessions Judge
Chitradurga.