

KADW010019422026



**IN THE COURT OF THE II ADDL. DIST. & SESSIONS
JUDGE DHARWAD & SPECIAL COURT FOR TRIAL OF
THE OFFENCES UNDER THE P.O.C.S.O. ACT AND
S.C.&S.T.(P.O.A) ACT.**

DATED THIS THE 20th DAY OF JUNE, 2026.

**PRESENT
SRI. RAJAKUMARA C.,
B.A.,LL.M.,**

II ADDL. DIST. & SESSIONS JUDGE,DHARWAD.

Crl. Misc. No.264/2026.

PETITIONER:

Vijayakumar Gopalarao Kadakol,
Age: 57 years, Occ: Tahasildar,
R/o: Gopal Rao, #305,
3rd floor Gururaj heritage,
Akshay colony Road,
Behind Chetan college Tenginakayi colony,
Hubballi, Eng College,
Tq/Dist:Dharwad.

(By Sri. M. A. Pathan, Advocate)

//Vs.//

RESPONDENT:

The State of Karnataka,
Through P. I. Hubballi Sub-Urban P. S.
Hubballi.

(By Spl. Public Prosecutor).

ORDER

This is a Petition filed by the Petitioner under Section 482 of B.N.S.S., praying to release him on bail in the event of his arrest in connection with Crime No.22/2023 registered by the Respondent police for the offences punishable under Sections 196, 198, 109, 420 of IPC, Section 3(1)(q) of S.C. & S.T. (P.o.A.) Act and Section 5(A), 5(b) of Karnataka SC/ST and Other B.C. [Reservation of Appointment Act], 1990.

2. The brief facts of the prosecution as under:

On the complaint of Sri Subhas Chandr Lakshmanrao Deshanur, P.S.I, CRE Cell, Belagavi. The case has been registered by the respondent police. It is stated in the complaint that, one Mandla Nagaprasad S/o Mandla Venkatasubbaiah has sent a petition to Chief Secretary Vidhanasoudha Bengaluru and Chief Justice, Hon'ble High Court of Karnataka to enquire about the caste of Sri. Mandla Vishveshwara Parasuram S/o Mandla Rajashekhar. The Superintendent of Police CRE Cell, Belgavi has passed an order directing Dy.S.P., CRE Cell, Belagavi to verify caste certificate of Mandla Venkatasubbaiah. At time of enquiry,

said authority came to know that Mandla Vishweshwar Parasuram has obtained caste certificate by giving false declaration on 28/07/2000. The then Tahasildar, Hubballi has issued caste certificate on 26/12/2012 and 30/10/2017. Mandla Purnima D/o Mandla Venkatsubbaiah has also obtained false caste certificate by giving false declaration on 24/12/2012 and 29/03/2019 as Hindu-Valmiki- Schedule Tribe. The District Caste Verification Committee, Dharwad has passed an order by canceling caste certificate of Sri Mandla Venkatsubbaiah S/o Ramanna, Mandla Siddharudu S/o Venkatsubbaiah and Mandla Purnima D/o Mandla Venkatsubbaiah. Sri Mandla Venkatsubbaiah has obtained caste certificate from then Tahasildar, Hubballi by giving false declaration. The then village accountant, Revenue Inspector have not verified records. They have not conducted proper local enquiry before recommendation. Therefore, Mandla Venkatsubbaiah and his children have obtained false caste certificate by giving false declaration. Mandla Venkatsubbaiah is a native of Andrapradesh, Karnool district (presently Prakasham district), Giddaloor taluk, Podilkuntapalle village. Venkatsubbaiah is not entitled to take benefit declared by Government for SC/ST community facility. Venkatsubbaiah has cheated members of SC/ST community and Government by obtaining false caste certificate and by way of giving false declaration.

3. The Petitioner has stated that, he is ipso-facto innocent person and there is no prima facie case against him. He has not committed any of the offences as alleged in the complaint and he is falsely implicated in the said crime with instigation of ill-wishers. He has not having any criminal antecedents. The offences are non-bailable in nature but not punishable with life or death imprisonment. The Petitioner has acted and discharged his duty as per the norms and regulation. There is a delay in lodging the complaint. He came from respectable family and having deep roots in the society. The Petitioner is the law abiding citizen and permanent resident of the above mentioned address. The Petitioner has undertaken to abide by the terms and conditions that may be imposed on him by this Court. Therefore, the Petitioner has prayed for grant of bail.

4. The Prosecution has filed objections to this application. In the objections the Prosecution has stated the facts of the case in brief. The alleged offenses are serious, grave and non-bailable one. There is a bar under section 18-A of SC/ST - P.A. Act, to entertain this type of bail petition. If the Petitioner is released on bail, he may tamper prosecution witnesses, destroy prosecution evidence and may hamper investigation. He may abscond from jurisdiction of this court and commit similar type of offences. The investigation is pending before the CID.

Charge sheet is not filed. Therefore, the Prosecution has prayed to reject the bail petition.

5. Perused the case papers and heard both the sides.

6. Now the point that arises for the consideration of this Court is :

“Whether the Petitioner is entitled to be released on anticipatory bail as prayed under Sec.482 of BNSS?”

7. The answer of this Court to the above point is in the **Affirmative** for the following:-

REASONS

8. The offences alleged against the petitioner are punishable under Sections 196, 198, 109, 420 of IPC, section 3(1)(q) of S.C. & S.T. (P.o.A.) Act and section 5(A), 5(b) of Karnataka SC/ST and Other B.C. [Reservation of Appointment Act], 1990.

9. On perusal of the records of Dy.S.P. CRE Cell, Belagavi Division has registered the case for the aforesaid offences against the petitioner and co-accused persons. This petitioner at the relevant point of time working as Tahasildar, Hubballi. At that time he has issued caste certificate in favour of accused no.1 based on the false and concocted documents.

10. On perusal of the records the case has been registered on 07.02.2023. During the course of investigation the petitioner apprehension of arrest by the respondent police approached before this court for seeking anticipatory bail as the alleged offences are non-bailable in nature.

11. on perusal of records it reveals that, this Court already granted anticipatory bail in Crl. Misc. No.137/2023, Crl. Misc. 333/2023, Crl. Misc. 336/2023 and Crl. Misc. 352/2023 in favour of co accused persons for the aforesaid offences. The petitioner is working as Tahasildar at Hubballi, at the relevant point of time when the accused no.1 obtained caste certificate. The allegations made against the petitioners has to be proved during the course of the full pledged trial. Perusal of complaint averments and case papers the custodial interrogation of the petitioner is not necessary. This court granted anticipatory bail as above noted to the co-accused persons, as such on the ground of parity also this petitioner entitled for same relief. Hence, the above **point is answered in the Affirmative.**

12. Therefore, this Court proceeds to pass the following:-

ORDER

The Petition filed by the Petitioner under
Section 482 of Bharatiya Nagarik Suraksha

Sanhita-2023, seeking anticipatory bail is allowed.

The Petitioner is ordered to be released on bail on their executing a personal bond for a sum of Rs.1,00,000/- with a surety for the like sum in the event of his arrest by the respondent police in connection with Hubballi Sub-urban police station Crime No.22/2023 for the offences punishable under Sections 196, 198, 109, 420 of IPC, Section 3(1)(q) of S.C. & S.T. (P.o.A.) Act and Section 5(A), 5(b) of Karnataka SC/ST and Other B.C. [Reservation of Appointment Act], 1990, registered against him by the respondent-police on the following conditions:-

1. The Petitioner shall surrender before concerned investigation officer within a period of 15 days and furnish the bail and surety as per this order.
2. The Petitioner shall not contact the complainant either directly or indirectly.
3. The Petitioner shall not tamper the Prosecution witnesses directly or indirectly.
4. The Petitioner shall not repeat similar offences in future.

5. The Petitioner shall produce his passport size photograph and their address proof before the concerned IO.
6. The Petitioner shall appear before the Investigating Officer as and when called for investigation.

If any of the above conditions are violated by the Petitioners, the Prosecution and Complainant are at liberty to move application for cancellation of bail.

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the 20th day of June, 2026).

**(RAJAKUMARA C),
II ADDL. DIST. AND SESSIONS JUDGE,
DHARWAD.**

sps.