

KAHS010038272026



Presented on : 18-05-2026
Registered on : 18-05-2026
Decided on : 04-06-2026

**IN THE COURT OF I ADDL. DISTRICT & SESSIONS
& SPL JUDGE, AT HASSAN**

PRESENT

SMT. SHEILA B.M.
M.Com., LL.M,
I Addl. District & Sessions &
Spl. Judge, Hassan.

DATED THIS 4th DAY OF JUNE 2026.

CRL. MISC.No.505/2026

Petitioners/Accused:

Shankaregowda S/o Chikkegowda,
Aged about 58 years,
R/o Kattigehalli Village,
Nuggehalli Hobli,
Channarayapattana Taluk,
Hassan District.

(By Sri.H.L.D., Advocate)

//Vs.//

Respondent No.1 :-

The State of Karnataka,
through PSI, Nuggehalli Police Station,

Channarayapattana Taluk,
Hassan District.

(Rep.by Spl. Public Prosecutor Hassan)

Respondent No.2 :-

Udayakumar S/o Rangaswamy,
Aged about 23 years,
R/o Kattigehalli Village,
Nuggehalli Hobli,
Channarayapattana Taluk,
Hassan District

ORDER ON BAIL PETITION FILED U/SEC.482
OF B.N.S.S., BY PETITIONERS

The petitioner no.1 has filed this bail petition under section 482 of B.N.S.S., seeking an anticipatory bail.

2. It is mentioned in bail petition that Nuggehalli Police have registered criminal case in crime No.51/2026 for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015. He is innocent and has not committed any offences as alleged in the complaint ; that he is falsely implicated in this case; that the alleged offences are not punishable with death or life imprisonment : that he is only bread earner of his family ; that he is ready to offer surety to the satisfaction

of the Court. He will abide by any conditions that may be imposed by this court. Hence, prays for allowing the bail petition.

3. Learned Spl. Public Prosecutor has filed objections to bail petition contending that bail petition is not tenable under law. He has reiterated contents of complaint, FIR and police records. It is contended that investigation is not yet completed; that alleged offences are non bailable and serious in nature. There is bar U/sec. 18(A)(2) SC/ST Act to entertain this type of bail petition. If accused are released on bail they may abscond, may not appear before the court, may not have fear and respect about law, may commit similar types of offences, they may threaten the witnesses and make them hostile. Hence, prayed for rejection of bail petition.

4. The victim called out absent.

5. Heard arguments on petitioners side and perused the records.

6. The following points arise for my consideration;

- 1) **Whether petitioners/accused have made out valid grounds for grant of**

**anticipatory bail order under section
482 of BNSS in this case?**

2) What order ?

7. My answer to above points are as under;

Point No.1:- In affirmative

**Point No.2:- As per final order
for following;**

:REASONS:

8. **POINT NO.1:-** I have carefully gone through contents of bail petition, objections, complaint, FIR and police records. Nuggehalli Police have registered criminal case against these petitioners in crime No.51/2026 for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015.

9. The brief facts of prosecution case is that on 17.04.2026 at about 2.00 p.m to 5.00 p.m while the complainant was going to Hirisave for his personal work, in Sy.No.23 of Kattigehalli village illegally digging the soil. The complainant and Murthy questioned them as to whether they got permission from the PDO or concerned department. The number plates pertaining to JCB No.KA-

13-MA-4934 and tractors belonging to Manjegowda, Kirankumar, Murthy, Ravi and Yogish had there numbers earsed. When he asked them as to why they were digging 10 to 15 feet of soil, the petitioner no.1 to 5 abused the complainant and Murthy in filthy language by referring to caste ; Shankaregowda told that he is president of the Village and he is politically powerful ; that the petitioners assaulted the complainant ; that they told they would burn him and his family members ; that the Shankaregowda assaulted him by slipper.

10. I am conscious of the fact that there is a bar under Section 18 of SC/ST (POA) Act to release the accused/petitioners on bail. However, the Hon'ble Apex Court in the case of Dr. Subhas Kashinath Mahajan Vs State of Maharashtra and another reported in 2018 (6) SCC 454, it has been observed that there is no absolute bar against grant of anticipatory bail in cases under the atrocities act if no prima-facie case is made out or where on judicial scrutiny the complaint is found to be prima-facie malafide. Under such circumstances, the court can exercise the power U/s 482 of Cr.P.C., and can grant anticipatory bail.

11. It is held in decision reported in **AIR 2020 S.C. 1036 (Prathvi Raj Chauhan V. Union of India)**. Wherein, it is held that;

“Criminal P. C. (2 of 1974), S. 482 – Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act (33 of 1989), S. 18 A- (as inserted by Amendment Act 27 of 2018).

Constitution of India, Art. 21 – Anticipatory bail – offence of atrocity under Act of 1989 – Challenge to denial-Bar created by SS. 18 and 18A against grant of anticipatory bail in case of atrocity against SC and ST shall not apply unless prima facie case is made out- However in case of misuse of provisions Court can quash the cases to prevent misuse of settled parameters.”

12. The incident has taken place in Sy.No.23 which is a private land. The complaint averments do not disclose that the public were present. Prima-facie the incident has not taken place within public view. From the complaint averments, it is seen that, the allegations with regard to caste are omnibus. Hence there is no prima-facie case made out by the complainant as against petitioner for the offence punishable under section 3(1)(r), 3(1)(s) and 3(2)(va) of SC / ST Act. The other offences are BNS offences.

13. The alleged offenses against the accused are not punishable with death or life imprisonment. Stringent conditions are to be imposed to meet out objections raised by learned SPP for state and complainant. The petitioner is entitled for anticipatory bail order from the hands of this court. It is a fit case to grant bail in favor of the petitioner with conditions. Whatever observation made in above paras is restricted to decision on bail petition. I am constrained to answer point No.1 in affirmative.

14. **POINT NO.2:-** In result, I proceed to pass following;

ORDER

This bail petition filed under section 482 of BNSS, by the petitioner is hereby allowed with conditions.

The respondent police are hereby directed to release the petitioner on anticipatory bail in the event of his arrest in Crime No.51/2026 of Nuggehalli Police for offences punishable U/s 115(2), 118(1), 351(2), 352 r/w section 190 of BNS 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PA) Amendment Act 2015, on he executing personal bonds for a sum of Rs.60,000/- with a surety for the likesum, subject to following conditions;

- 1) He shall appear before the IO, within a period of two weeks from the date of this order and co-operate with investigation.
- 2) He shall not threaten, tamper or intimidate the prosecution witnesses.
- (3). He shall appear before Court when called for.

(Dictated to stenographer, transcribed and typed by him, print out, signed and corrected by me and then pronounced in open court on 4th day of June 2026)

04.06.2026

(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS &
SPL. JUDGE, HASSAN.