



**IN THE COURT OF I ADDL. DISTRICT & SESSIONS
JUDGE AND SPECIAL JUDGE, AT HAVERI.**

PRESENT : Sri. N.M.Ramesha, *B.com, LL.B., LLM*
I Addl. District & Sessions Judge
& Spl. Judge, Haveri.

DATED THIS THE 15th DAY OF JUNE 2026

CRL.MISC.NO : 321/2026

Petitioner/
Accused No.1 : Ramesh Guddappa Chalavadi,
Age: 48 years,
Occ: Coolie,
R/o: Kudupali,
Rattihalli taluk,
Haveri district.

(Sri. S.R. Onimani, Advocate)

V/s

Respondents 1 The State by Ranbennur Rural
police station
(By Learned P.P)
2 Maheshappa @ Mallappa
Chalavadi, Age: 64 years,
Occ: Agriculture.
R/o: Old Kambali pet,
Near Medleri, Medleri,
Ranebennur taluk,
Haveri district.

ORDERS ON ANTICIPATORY BAIL PETITION FILED BY THE
PETITIONER/ACCUSED No.1 UNDER THE PROVISIONS OF
SECTION 482 OF BNSS, 2023

This order arises from the bail petition filed by the petitioner/accused No.1 under the provisions of Section 482 of BNSS 2023, seeking anticipatory bail for the offences punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act.

2. The facts leading to filing of this bail petition and the facts constituting the case of prosecution in brief is as under:

On 09.05.2026, at about 2.10 p.m., the first informant has lodged a first information before the Police Inspector of Ranebennur Rural Police Station, inter-alia alleging that he and the accused are residents of Medleri village of Ranebennur Taluk. The first informant and the 1st accused are belongs to Scheduled Castes and Scheduled Tribes, whereas the accused No.2 is belongs to Lingayat community. The first informant had put the fence to protect his plants and trees, but the 1st accused about 15 days back from the date of incident, had cut the fence. On 03.05.2026, at about 5.00 p.m., the accused had again cut the fence and lit the fire into the land, for which, nearly 200 plants, 7 trees and 6 coconut trees have burnt and the accused have caused loss and damage of Rs.2,00,000/- to the first informant and the

accused No.1 knowing fully well that the first informant is belongs to Scheduled Castes and Scheduled Tribes, has abused him in filthy language taking the name of his caste and also threatened with dire consequences to take away his life. Therefore, the first informant has requested the police to take suitable action against the petitioner/accused No.1 and another.

3. Based on the said first information, the Ranebennur Rural police have registered the case against the petitioner/accused No.1 and another in Crime No.109/2026 for the offences punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act., forwarded FIR to the court and further investigation was undertaken. During the course of investigation, the investigating agency are searching the petitioner/accused No.1 for arrest.

4. This is how this present bail petition being filed by the petitioner/accused No.1 seeking anticipatory bail for the alleged offences punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act.

5. Notice of the bail petition has been given to the prosecution as well as first informant/victim/injured.

6. The Learned P.P for State has resisted the anticipatory bail petition by filing detailed objections.

7. On service of notice on bail petition, the complainant, victim and injured have appeared before the court and prays to reject the bail application.

8. I have heard the arguments of both side and perused the bail application, objection and the materials placed on record.

9. Now the points that would arise for my consideration are as under:

1. Whether the petitioner/accused No.1 is entitled to be released on anticipatory bail and whether the bail petition filed by the petitioner/accused No.1 under the provisions of section 482 of BNSS 2023, is deserves to be allowed ?
2. What order?

10. On considering the materials placed on record, now my answer to the above points are as under:

Point No. 1 : In the **Affirmative**,

Point No. 2 : As per final order

for the following:

REASONS

11. **POINT NO. 1** :- I have already narrated in brief as to the facts leading to filing of this bail petition and as to the facts constituting the case of the prosecution. Along with bail petition, the Learned counsel for the

petitioner/accused No.1 has produced the certified copies of FIR in Cr.No.109/2026, first information dated 09.05.2026 and Aadhaar card. The Learned P.P for State also produced I.O report, copy of the FIR and first information.

12. According to the case made out by the prosecution at this stage of proceedings that, on 03.05.2026, at about 5.00 p.m., the accused had cut the fence and lit the fire into the land, for which, nearly 200 plants, 7 trees and 6 coconut trees have burnt and the accused have caused loss and damage of Rs.2,00,000/- to the first informant and the accused No.1 knowing fully well that the first informant is belongs to Scheduled Castes and Scheduled Tribes, has abused him in filthy language taking the name of his caste and also threatened with dire consequences to take away his life.

13. But, it is contended in the bail petition that, the petitioner/accused No.1 is an innocent and has not committed any alleged offences and the petitioner/accused No.1 is noway concerned to the alleged incident and the first informant has filed false false information to harass the petitioner/accused No.1 and the first informant has filed false case at the instigation of ill-wishers of the petitioner/accused No.1 and the alleged offences are not punishable either for death or for imprisonment for life and therefore, the petitioner/accused No.1 is entitled for bail.

14. Under these circumstances, whether the petitioner/accused No.1 has committed the alleged offences punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act., or not is a matter which requires evaluation of materials collected during the course of further investigation and evaluation of evidence to be recorded at the trial. Further, whether the petitioner/accused No.1 has been implicated in crime without any materials or not is also a matter which requires evaluation of material to be collected during the course of further investigation and evaluation of evidence to be recorded at the trial. Further, whether the delay in lodging first information is fatal to the prosecution or not and whether the prosecution would be able to explain delay in lodging first information during the trial is also a matter which requires evaluation of evidence to be recorded at trial. But, at this stage of proceedings, the Court cannot conduct mini trial so as to adjudicate the controversy between prosecution and the defense.

15. But, at this stage of proceedings the Court while considering anticipatory bail petition of this nature has to consider whether the accused would be readily available for their trial and whether they are likely to abuse the discretion granted in their favour by tampering with evidence and if there is no prima facie case, there is no

question of considering the circumstances. But, even where a prima facie case is established, the approach of the Court in the matter of bail is not that the accused should be detained by way of punishment, but whether the presence of the accused would be readily available for trial or that they are likely to abuse the discretion granted in their favour by tampering with evidence. Further, the court has to consider as to whether there are any chances of the accused being fleeing away from justice and whether the accused would tamper with the prosecution witnesses. If the answer to this question is in the negative, then the accused will have to be granted bail. It is equally true that while considering a bail petition, the court should consider the gravity and seriousness of the offence alleged.

16. Now keeping the principles of law of bail in mind, let us consider as to whether the petitioner /accused No.1 is entitled for anticipatory bail or not. No doubt it is true that on careful reading of the provision of sections 18 of SC/ST (P.A.) Act, it would indicate that there is a bar to entertain the petition filed under the provision of section 438 of Cr.P.C., now section 482 of BNSS 2023 seeking relief of anticipatory bail, when there are allegations of committing of offences under the provision of SC/ST (P.A.) Act.

17. But, the Hon'ble Supreme Court in a decision reported in **(2018) 6 SCC P-454 – Dr.Subhash**

Kashinath Mahajan vs. The State of Maharashtra and another has pleased to laid down the principles and also held that there is no absolute bar to entertain bail application filed under the provision of section 438 of Cr.P.C., when the case is registered under SC/ST (P.A.) Act for anticipatory bail, if no prima facie case is made out or where on judicial scrutiny the complaint is found to be prima facie malafide complaint.

18. The Hon'ble Supreme Court in **W.P. [C] No.1015/2018** has also pleased to held that if the complaint does not make out a prima facie case in applicability of the provisions of the Act of SC/ST (P.A.) Act, the bar created by Section 18 and 18A(i) shall not apply.

19. The Hon'ble High Court of Karnataka has also pleased to held in **Criminal Petition No.4306/2018** that Section18-A has not taken the powers of the Court to grant anticipatory bail, if the complaint does not disclose caste based attack, which means existence of a clear intention to insult or humiliate a member of Scheduled Caste or Scheduled Tribe or to commit a crime in the nature of atrocity to target a person or persons belonging to such caste just because they belong to that caste or tribe.

20. From the principles laid down in the above decisions, it is crystal clear that the position of law is very much clear that restrictions or power imposed by the

Legislature to entertain the petition under section 438 of Cr.P.C., or section 482 of BNSS 2023 is not an absolute bar and therefore this court is of the considered view that the Court is empowered to entertain the petition under section 438 of Cr.P.C., if there is no prima facie material to show that the offence is committed under the light and spirit of SC/ST (P.A.) Act.

21. It is pertinent to note here that in the case on hand, the offences alleged against the petitioner/accused No.1 are punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act. The maximum imposable sentence for the alleged offences is less than 7 years if the guilt is proved during the course of trial, which is admittedly requires full-fledged trial.

22. But, the alleged offences are neither punishable with death nor for imprisonment for life or for any longer period. The alleged offences are triable by this court only. The punishment entailing to an offence also plays an important and vital role in considering bail application of this nature. This is one of the aspect of the matter in this case.

23. It is well settled position of law that bail cannot be withheld as a pre-trial punishment. But, on the other hand, it is said that the bail is a pre-trial release. There is no materials to show that there were criminal antecedents against the petitioner/accused No.1 or any

previous conviction on the petitioner/accused No.1 for similar offences. The prosecution has not placed any materials at this stage of proceedings to show that on account of incident, the first informant has sustained any grievous injuries and admitted in the hospital. The dispute between the first informant and the petitioners is with respect to fence. There was a delay in lodging first information, for which, there is no explanation at this stage of the proceedings. The accused No.2 is already enlarged on bail in Crl.Misc.No.325/2026 dated 12.06.2026. Therefore, the petitioner/accused No.1 is also entitled for bail on the rule of parity. It is not in dispute that the accused No.1 is also belongs to the caste as that of the caste of first informant.

24. Therefore, considering the facts and circumstances of the case, including the nature of the offences alleged against the petitioner/accused No.1 and the accused No.2 is enlarged on bail, this court is of the considered view that, the petitioner/accused No.1 can be granted anticipatory bail by imposing suitable conditions. The apprehension of the prosecution can be taken care of by imposing suitable conditions on the petitioner/accused No.1. The petitioner/accused No.1 undertake to abide by the conditions that may be imposed by the court and assist the investigating officer for further investigation and interrogation. Hence, I hold that petitioner/accused No.1 is entitled to be released on

anticipatory bail and the petition filed by the petitioner/accused No.1 under the provisions of section 482 of BNSS, 2023 is deserves to be allowed. Hence, in view of my above said reasons, I answer point No.1 in the **affirmative**.

25. POINT NO. 2: In view of my findings on point No.1, I proceed to pass the following.

ORDER

The petition filed by the petitioner/accused No.1 under the provisions of Section 482 of BNSS 2023 is hereby allowed.

The petitioner/accused No.1 is ordered to be released on anticipatory bail in the event of his arrest in respect of Cr.No.109/2026 of Ranebennur Rural police station for the offences punishable under the provisions of Sections 326(f), 324(4)(5), 352 and 351(2)(3) R/w Section 3(5) of BNS, 2023 and Section 3(1)(r) of SC/ST (POA) Act, on his executing a personal bond for Rs.1,00,000/- with two sureties for the likesum subject to the following:

CONDITIONS

1. The petitioner/accused No.1 shall make himself available for investigation and interrogation by a police officer as and when required.
2. The petitioner/accused No.1 shall not, directly or indirectly, make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

3. The petitioner/accused No.1 shall not leave India without prior permission of the court.
4. The petitioner/accused No.1 shall not commit or repeat similar offence in future days.
5. The petitioner/accused No.1 shall appear before this court on all the dates of hearing without fail.
6. The petitioner/accused No.1 shall furnish his address proof documents before the investigating officer and also before the Court.
7. The petitioner/accused No.1 shall approach the investigating officer within 15 days from the date of order and comply the bail conditions without fail and on his appearance, the Investigating Officer is at liberty to take him to custody and complete the entire custodial interrogation and custodial investigation on the same day preferably within 6.00 p.m., and release him on bail in terms of the bail conditions without fail.
8. The petitioner/accused No.1 shall make his attendance before the Jurisdictional Police Station on every second Sunday of every month

in between 10.00 a.m., to 5.00 p.m.,
commencing from 29.06.2026 till filing of final
report or till further orders whichever is earlier.

In the event of the petitioner/accused No.1 violate any
of the bail conditions, then the prosecution is at liberty to
move for cancellation of bail.

*(Dictated to the Stenographer directly on computer, typed by him,
corrected, signed and then pronounced in the open Court on this the
15th day of June, 2026.)*

(N.M.Ramesha)
I Addl. District and Sessions Judge,
& Spl. Judge, Haveri.