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**IN THE COURT OF THE I ADDL. DIST & SESSIONS
JUDGE, RAICHUR**

Dated this the 15th day of July, 2026

-: P R E S E N T :-

Smt. Mala N.D.,

BAL., LL.M.,

I ADDL. DIST & SESSIONS JUDGE, RAICHUR

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PETITIONERS : 1. Girish S/o Mahendra,
Age: 22 years, Occ: Photo Shop business,
R/o Pateil Oni, Devadurga,
Tq. Devadurga, Dist., Raichur.

2. Akshya Kumar S/o Chandrashekar,
Age: 21 years, Occ: Work in Photo Shop,
R/o Pateil Oni, Devadurga,
Tq. Devadurga, Dist., Raichur.

(By: Sri S.G.K., Advocate)

Vs.

RESPONDENTS : 1. State of Karnataka by
by SHO., Devadurga Police Station.

(By: Learned Special Public Prosecutor)

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2. Shivaraj S/o Siddappa,
Age: 40 years, Occ: Agril.,
R/o Thilaka Oni, Devadurga,
Tq. Devadurga, Dist., Raichur.

ORDER ON ANTICIPATORY BAIL APPLICATION
UNDER SECTION 482 OF BNSS-2023

Petitioners/accused No's.4 & 5 have filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short referred as BNSS, 2023) seeking an order of anticipatory bail in Cr.No.212/2026 registered by Devadurga police station, for the offences punishable U/Secs.189(2), 191(2), 191(3), 126(2), 115(2), 109, 352 & 351(2) R/w Sec.190 of BNS-2023 & U/Secs.3(1)(r), 3(1)(s), 3(2)(V) & 3(2)(Va) of SC/ST (POA) Amendment Act, 2015, which is pending before the I Addl. District & Sessions Court, Raichur.

2. It is pleaded on behalf of the petitioners that they are innocent and have not committed any offences as alleged

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in the complaint, they have been falsely implicated by the respondent police at the instigation of complainant, contents of complaint does not constitute the ingredients of alleged offences, there is no motive or any ill-will for commission of offence punishable U/Sec.109 of BNS-2023 as well as the provisions of SC/ST (POA) Amendment Act, 2015, prima-facie case made out against these petitioners, hence, this petition seeking an order of anticipatory bail in their favour.

3. It is pleaded on behalf of the petitioners that they are innocent and are not committed any offences as alleged in the complaint, they have been falsely implicated in this case by the respondent police at the instigation of the complainant, these petitioners are sole bread earners of their family having large number of dependents, if an order of anticipatory bail is not granted in their favour, they will be

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put to untold hardship, under the apprehension of arrest, present petition has been filed seeking an order of anticipatory bail in their favour.

It is further submitted on behalf of the petitioners that they are innocent and law abiding citizens, hail from respectable family having deep roots in the society, there are no criminal antecedents, they are permanent residents of the addresses shown in the cause title and are ready to abide by any of the terms & conditions that may be imposed by the court in the event of grant of anticipatory bail in their favour. Hence, this petition.

4. On the other hand, the learned Special Public Prosecutor filed objections statement opposing the grant of anticipatory bail in favour of petitioners along with report of the Investigating Officer and at the same time, respondent

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No.2/complainant, upon issuance of court notice appeared before the court, filed his objections opposing the release of the petitioners by expressing life threat and also pleading that there are chances of tampering the prosecution evidence or witnesses.

5. For the purpose of brevity, the facts mentioned in the petition and objection will be stated at appropriate stage of the orders.

6. Heard arguments. Perused the materials on record.

7. The points do arise for my consideration are;

- 1) Whether petitioners/accused No's.4 & 5 have made out valid grounds for grant of anticipatory bail U/Sec.482 of BNSS-2023 ?
- 2) What Order ?

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8. For the reasons stated hereinafter, my findings on the above points are as follows;

Point No.1: In the **Negative**;

Point No.2: As per final order,
for the following:

REASONS

9. **POINT No.1:-** The petition is annexed with the certified copies of F.I.R and complaint in Cr.No.212/2026 of Devadurga PS. Perused the same.

10. **The brief facts of the case of the prosecution is as under :-**

That on 17.05.2026 at about 9.00 pm., near Beeralingeswara temple of Devadurga, accused No's.1, 2 & 4 i.e., Purushottama, Sarvottama and Girish(petitioner No.1 herein) who belonged to Lingayat community were doing

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wheelies on the road in their motorcycle, they fell down while doing so, as such, son-in-law of the complainant by name Marilinga and his friends namely Razak, Kiran & Jivan helped them to wake-up and by that time they advised the aforementioned accused persons to go slow and not to do wheelies on the road, as such, accused No's.1 & 2 and petitioner No.1 herein being enraged, abused them in filthy language by asking them that they are nobody to advice them, thereafter, son-in-law of the complainant i.e., Marilinga went to the house of accused No's.1 to 3 at 9.30 pm., complained to their mother about the conduct of the petitioners and other accused persons, as such, mother of the accused No's.1 to 3 in-turn abused him for coming to their house to complain about such a small incident, thereafter, the said Marilinga and his friends were proceeding towards their respective houses, during that time around 10.00 pm.,

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near Nagaraja Pyatymat house all these petitioners and other accused persons belonged to Lingayat community came there, stopped the said Marilinga and his friends, abused them in filthy language by taking their caste, by that time accused No.4(petitioner No.1 herein) caught hold the shirt of Razak, assaulted on his face, accused No.1 abused the said Marilinga by taking his caste and also stabbed on his stomach by a knife with an intention of killing him, again, all the accused persons assaulted on his head by their hands, at that time, accused No.3 assaulted Kiran on his head as well as back with his hands, accused No.5(petitioner No.2 herein) also assaulted Jivan on his head, thereafter, all the accused persons fled-away from the spot by giving life threat to the aforementioned Marilinga and Kiran, therefore, father-in-law of the injured Marilinga has lodged a complaint against these petitioners and other accused persons, based on such

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complaint this case came to be registered against the petitioners as well as other accused persons for the aforementioned offences.

11. During the course of investigation, accused No's.1 to 3 are apprehended by the IO and these petitioners are arrayed as accused No's.4 & 5, hence, this petition seeking anticipatory bail in their favour.

12. On the other hand, prosecution opposes the release of these petitioners through its objections by reiterating the facts narrated in the complaint as well as in the FIR and contended that petitioners and other accused persons for trivial reasons have picked-up quarrel with the son-in-law of the complainant and his friends in relation to wheelieing in their motorcycle and in that quarrel accused No.1 is allegedly stabbed on complainant's son-in-law's



stomach by a knife and accused No.2 assaulted on his head. Similarly, all the accused persons have assaulted Kiran & Jivan by abusing them in filthy language by taking their caste and posing life threat as well, therefore, it is contended by the prosecution that injured victim is still in hospital, investigation is under progress, IO is yet to collect evidence and record statements of witnesses, there is a prima-facie case against the petitioners and in the event of their release, they may involve in such or similar kind of activities.

13. It is further contended by the prosecution that petitioners have abused complainant's son-in-law and his friends by taking their caste which would defeat the very object of the provisions of SC/ST Act which is enacted to protect the persons against discrimination, violence and social boycott by dominant caste/groups from decades. The

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learned Special Public Prosecutor has also relied on the presumption available under Section 18 of provisions of SC/ST Act, therefore, it is contended that there are chances of tampering of prosecution evidences or witnesses and the petitioners may abscond themselves, therefore, it is prayed to reject the above petition in the interest of justice.

14. Even, the IO in his report has submitted that injured victim/Marilinga is taking treatment in Balanku Hospital of Raichur, he is yet to obtain his wound certificate and also yet to collect caste certificate from concerned authority. Therefore, opposes for grant of anticipatory bail in favour of the petitioners at this stage of pending investigation.

15. Similarly, the complainant who is the father-in-law of the injured victim/Marilinga has filed his statement of objections opposing the release of the petitioners by

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contending that his son-in-law and his friends have been assaulted by the petitioners and other accused persons by abusing them in filthy language with their caste and also posing life threat, as such, it is submitted that in the event of grant of anticipatory bail in favour of the petitioners, there are chances of committing similar offences on the injured victim and also they may tamper or hamper the prosecution evidences or witnesses, hence, it is prayed to reject the above petition.

16. Perused the petition, complaint & FIR and also available materials on record. In this case, it is stated that accused No's.1 & 2 and the accused No.4(petitioner No.1 herein) on 17.05.2026 were wheelieing in their two wheeler on the road, as such, the injured victim herein and his friends helped them when they fell down on the road and advised

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them not to do the same on the road, by that time accused No's.1 & 2 and this petitioner No.1 became furious in-turn abused the injured victim and his friends, therefore, injured victim informed the same to accused No's.1 to 3's mother asking them to advise properly, even, mother of the accused No's.1 to 3 was angry and she also abused them in filthy language, it was thereafter, when the injured victim and his friends were going back to their respective houses, they were stopped and assaulted by knife and hands by these petitioners and other accused persons by abusing them in filthy language with their caste and also by posing life threat.

17. In this background this case came to be registered against the petitioners. Here in this case, there are specific allegations made against the petitioners and other accused



persons. The fact that the injured victim i.e., son-in-law of the complainant has sustained stabbing injury is not in dispute.

18. As per the IO report, victim is yet to be discharged from the hospital. Even, the medical reports furnished by the prosecution discloses that injured Marilinga has sustained grievous injuries due to stab injury, he has undergone surgery on 18.05.2026 due to stab injury into his abdomen with prolapse small bowel through the stab wound, injured victim is yet to recover.

19. In addition, it is the mandate of provision of U/Sec.18 of the SC/ST (POA) Amendment Act 2015 on the Special Court that it shall presume that accused has committed the alleged offence until the contrary is proved. Further, on going through the available materials on record there is a prima-facie case against these petitioners along

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with other accused persons, specific overt-act is attributed by these petitioners, under the circumstances, release of the petitioners at this stage of pending investigation would certainly distract the way of investigation, even the other accused persons are yet to be secured, as such, apprehension of the prosecution as well as complainant/respondent No.2 that petitioners may indulge themselves in such or similar kind of activities in the event of their release cannot be ruled out, therefore, since investigation is pending and health condition of the injured victim is yet to get stable, it would not be appropriate to consider this petition at this stage, as such, no valid grounds are made out for grant of anticipatory bail in favour of these petitioners.

20. In the latest decision of the Hon'ble Apex Court reported in **(2022) 4 SCC 497 Brijmanidevi V/s. Pappu**

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Kumar and another, 3 Judges Bench of the Hon'ble Court laid down principles that must be kept in mind for grant of bail. In the said decision, it is observed that;

“though the period of custody is a relevant factor, the same has to be weighed simultaneously with the totality of the circumstances and the criminal antecedents – Further, these are to be weighed in the scale of collective cry and desire and that societal concern has to be kept in view in juxtaposition to individual liberty.”

It is further observed that;

“While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of serious nature of the accusations against an accused and the facts that have a bearing in the case,



particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-a-vis the offences alleged against an accused."

The ratio is aptly applicable to case on hand. In case of grant of bail, it would send wrong message to society in general and prospective offenders in particular. Considering the serious nature and gravity of the offences and the punishment prescribed for the alleged offences and conduct of the accused person, this court is not inclined to extend the

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relief in favour of the petitioners. As there are no grounds made out to release the petitioners on bail, this court is of the opinion that, petitioners are not entitled for grant of an order of anticipatory bail. Therefore, point No.1 is answered in the **Negative.**

21. **POINT No.2:-** In view of the aforesaid discussion, this court proceed to pass the following :-

ORDER

Anticipatory bail petition under Section
482 of BNSS-2023, filed by the
petitioners/accused No's.4 & 5 is rejected.

(Dictated to the Stenographer Grade-III, transcribed & typed by him and corrected by me and then pronounced in open court on this 15th day of July, 2026).

(MALA N.D.)
I Additional Dist. & Sessions Judge,
Raichur.