

KARC060004982026



IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.

Crl. Misc. Nos.5225 & 5229/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur.

Dated this the 17th day of June, 2026

PETITIONER/S in Crl.Misc.No.5225/2026:-

Umesh @ Umesh Kengal, S/o.Ngappa Kengal
40 years, Agriculture, R/o.Salagunda village,
Tq.Sindhanur, Dist.Raichur.

(Accused No.1 as per FIR)
(By Shri S.A., Adv.,)

PETITIONER/S in Crl.Misc.No.5229/2026:-

1. Syed Mohasin Khadri @ Syed Mohinuddin Quadri,
S/o.Dharvesh Khadri @ Syed Durwesh Quadri,
59 years, Agriculture,
2. Gulamsab @ Gulam Ali, S/o.Bashusab @ Guddu
@ Basha Sab, 37 years, Agriculture,
3. Hasinsab @ Husen Sab, S/o.Mustafasab Pani
@ Mustaafa Pani, 45 years, Agriculture,

All are R/o.Salagunda village,
Tq.Sindhanur, Dist.Raichur.

(Accused No.2 to 4 as per FIR)
(By Shri S.H.P.Q., Adv.,)

// Versus //

RESPONDENT COMMON :-

The State through SHO, Sindhanur Rural P.S.,
Dist. Raichur.

(By learned Public Prosecutor)

COMMON ORDER

These two petitions are filed under Section 482 of BNSS, for anticipatory bail in connection with case in Cr.No.211/2026 registered by Sindhanur Rural Police Station for the offences punishable under Sections 329(4), 115(2), 352, 351(2) R/w Sec.3(5) of BNS and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The allegations of the prosecution, as could be seen from the records, are that the complainant is a transgender person. Her father, Hanumanthappa, had contested the election for the posts of President and Vice-President of the Multi Purpose Primary Rural Agricultural Co-operative Society, Salagunda. Abdul Azeez had also contested the said election. In the election, Janardhan was elected as President and Hanumanthappa was elected as Vice-President, whereas Abdul Azeez and Ayyappa were defeated. The accused are stated to be supporters of the defeated candidates. It is alleged that, prior to the election, Abdul Azeez had paid

a sum of Rs.50,000/- to Hanumanthappa on the assurance that he would support him in the election. However, Hanumanthappa allegedly did not extend such support. Thereafter, Abdul Azeez demanded refund of the said amount, though according to the complainant, Hanumanthappa had not received any such amount. On 08.05.2026, the accused went to the house of the complainant and abused her family members by referring to their caste. On 20.05.2026, accused No.1/Umesh trespassed into the house of the complainant, abused her in filthy language by taking her caste name and instigated Hanumanthappa to commit suicide. Again, on 21.05.2026 at about 6.00 p.m., accused No.1 allegedly visited the house of Hanumanthappa and abused him in filthy language by referring to his caste. Accused Nos.2 to 4 are also alleged to have visited the house of Hanumanthappa, abused and insulted him and extended threats. Being unable to bear the alleged harassment caused by the accused, Hanumanthappa consumed poison on 22.05.2026 at about 10.00 a.m. and was admitted to the hospital, where he survived. It is also alleged that the accused used criminal force against the complainant with an intention to outrage her modesty. On the basis of these allegations, the complainant lodged the first information before the police on 24.05.2026 at about 5.00 p.m., and a case came to be registered against accused Nos.1 to 4. The petitioners herein are the said accused Nos.1 to 4, who apprehend their arrest and have approached this Court seeking anticipatory bail.

3. Since both petitions arise out of the same crime number, they are clubbed together and a common order is passed.

4. In response to the notices, the complainant has appeared before the court and opposed the bail petitions on the ground that if the petitioners are released on bail, they may threaten her and her family members.

5. The prosecution has filed objections to both petitions, reiterating the allegations in the complaint and praying to reject both petitions.

6. The learned counsels appearing for the petitioners has contended that the first alleged incident took place on 08.05.2026, the second on 20.05.2026 and the third on 21.05.2026, whereas the first information came to be lodged only on 24.05.2026. There is delay in registration of FIR which itself shows that false allegations are levelled against the petitioners. It is further argued that the materials placed on record do not disclose a prima facie case for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act. The remaining offences alleged against the petitioners are bailable in nature and none of the offences are punishable with death or imprisonment for life. The petitioners are permanent residents of the addresses shown in the cause title and there is no likelihood of their absconding or tampering with the prosecution evidence. Their custodial interrogation is not necessary for the purpose of investigation. Therefore, the petitioners are entitled to the relief of anticipatory bail.

7. The learned Public Prosecutor opposed the submissions of the learned counsels for the petitioners and prayed for rejection of both petitions.

8. I have carefully perused the records.

9. The only point that arises for my consideration is:

Whether the petitioners in both the petitions are entitled for anticipatory bail under Sec.482 of B.N.S.S. ?

10. My finding on the above point is in the affirmative, for the following;

:: REASONS ::

11. The allegations made in the complaint disclose that elections were held to the posts of President and Vice-President of the Multi Purpose Primary Rural Agricultural Co-operative Society, Salagunda. The materials placed on record prima facie indicate the existence of political rivalry between Hanumanthappa, the father of the complainant, and the accused persons. It is further alleged that Hanumanthappa had received a sum of Rs.50,000/- from Abdul Azeez with an assurance that he would support him in the election, but subsequently failed to fulfill such assurance. According to the complaint itself, the dispute arising out of the said election and the alleged monetary transaction appears to be the background for the incidents in question. In the light of such circumstances, it is necessary to examine whether the petitioners had any intention to humiliate the complainant or her father on the ground that they belong to a Scheduled Caste.

12. A plain reading of the complaint reveals that because of the political rivalry and consequent enmity between Hanumanthappa and the accused, quarrels allegedly took place on three different occasions. It also appears that the complaint came to be lodged after such incidents. Significantly, there is no specific allegation in the complaint that the petitioners intentionally insulted, intimidated or humiliated the

complainant or her father solely on account of their caste. Mere utterance of the caste name of a person belonging to a Scheduled Caste or Scheduled Tribe during the course of a quarrel, by itself, may not attract the ingredients of Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act. What is essential is the existence of an intention to humiliate the victim on the ground of caste. Prima facie, such intention is not discernible from the allegations made in the complaint. Therefore, at this stage, no prima facie case is made out against the petitioners for the offences punishable under the provisions of the SC/ST (POA) Act. Consequently, the bar under Sections 18 and 18-A(2) of the said Act would not operate against consideration of the present petition.

13. The records further indicate that Hanumanthappa was elected as Vice-President in the said election and that there existed disputes relating to monetary transactions connected with the election process. It is alleged that Hanumanthappa attempted to commit suicide by consuming poison on 22.05.2026, and thereafter the present complaint came to be lodged. The offences alleged against the petitioners are not punishable with death or imprisonment for life. The offences under the BNS shown in the FIR are bailable in nature.

14. The petitioners are residents within the jurisdiction of this Court and their presence can be secured for the purpose of investigation and trial. The custodial interrogation of the petitioners does not appear to be necessary. Nothing substantial is shown to be recovered at their instance. If the petitioners are arrested, they would be subjected to unnecessary humiliation and hardship. Having regard to the facts and

circumstances of the case, I am of the opinion that the petitioners have made out a case for grant of anticipatory bail. Accordingly, I answer this point in the affirmative and proceed to pass the following:

ORDER

The bail petitions in Crl.Misc.No.5225/2026 and 5229/2026 filed by the petitioners under Section 482 of BNSS are hereby allowed.

The Sindhanur Rural Police are directed to release the petitioners in Crl.Misc.No.5225 & 5229/2026 on anticipatory bail, in the event of their arrest in Cr.No.211/2026, on executing a personal bond for a sum of Rs.50,000/- each with one surety for the like sum, subject to the following conditions:

1. They shall surrender before this court within 15 days from the date of this order and execute personal and surety bonds.
2. They shall furnish ID proof of themselves and the surety.
3. They shall co-operate with the investigation.
4. They shall not tamper with or threaten the prosecution witnesses.

(Dictated to the Steno Grade-I, transcribed by her, corrected, signed, and then pronounced by me in open court on this the 17th day of June, 2026.)

(B. B. Jakati)

**III Addl. District & Sessions Judge, Raichur,
Sitting at Sindhanur.**