

KAUK010003472026



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS  
JUDGE, UTTARA KANNADA, KARWAR**

**DATED THIS THE 11<sup>th</sup> DAY OF MARCH, 2026**

**CRIMINAL MISC. CASE NO:89/2026**

**: PRESENT :**

**Sri. MAYANNA. B.L.,**

*B.A., LL.B.,*

II Addl. District & Sessions Judge,  
Uttara Kannada, Karwar.

**PETITIONERS:**

**ACCUSED NO.1 to 3**

1. Nataraj Bhimappa Hosuru  
Age:43 years,  
Occ: Businessman  
R/o: Danaganahalli,  
Dasanakoppa  
Sirsi Taluka, U.K.
2. Praveen Ramapur  
@ Praveen Lokashappa Ramapur  
Age: 34 years, Occ: Business,  
R/o: Danaganahalli,  
Dasanakoppa  
Sirsi Taluka, U.K.
3. Imran Aliyas Mandakki  
@ Hajare Sab thajusab Shekh  
Age: 34 years, Occ: Businessman  
R/o: Danaganahalli,  
Dasanakoppa  
Sirsi Taluka, U.K.

(By Shri. G.T.N., Advocate)

Vs.

**RESPONDENTS:**  
**COMPLAINANTS**

1. The Inspector of Police,  
Through Banavasi PS  
Rep. by Public Prosecutor,  
Uttara Kannada, Karwar.
2. Shri. Parasappa Puttappa Lamani  
Age: 56 yrs, Occ: PDO,  
R/o: Hesaroor, Savanuru, Haveri,  
Now at Badanagod Grama  
Panchayath, Dasankoppa,  
Sirsi taluk, U.K.
3. Dasharatharaja Bhudihal  
Age: 56 years, Occ: Secretary  
R/o: Toravi, Tikota, Vijayapura,  
Now at Badanagod Grama  
Panchayath Dasanakoppa,  
Sirsi taluka, U.K.
4. Devendra N. Madival  
Age: Major, Occ: Employee,  
R/o: Badangod Grampanchayat,  
Dasanakoppa, Sirsi taluk,  
Uttar Kannada.
5. Viresh Kalmatler,  
Age: Major, Occ: Employee,
6. Anand C. Kmati  
Age: Major, Occ: Employee,  
R/o: Badangod, Grampanchayat,  
Dasankoppa, Sirsi, Uttar Kannada.
7. Chetan G. Kshtriya  
Age: Major, Occ: Empljee  
R/o: Badangod, Grampanchayat,  
Dasankoppa, Sirsi, Uttar Kannada.

**ORDER**

The Petitioners/Accused No.1 to 3 have filed the present bail Petition under Section 482 of BNSS, seeking anticipatory

bail, in the event of their arrest in Banavasi Police PS Crime No.24/2026, for the offences punishable under Sections 132, 351, 352 Read with Section 3(5) of BNS, Section 3 of Karnataka Open Places Prevention of Disfigurement Act 1981 and Section 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The Petitioners/Accused No.1 to 3 contended that, they are innocent persons, have not committed any such offences as alleged in the complaint. The Petitioners denied all the allegations made against them. The Police and the Complainant have created a cock and bull story and registered this false case, implicated the innocent petitioners. The entire story in the complaint is false and created. There is no ingredients of the alleged sections in the complaint. It is submitted that, the Complainant or the said Dasharatharaj were not in the spot, the Complainant is habitual complainant and he is misusing his caste name and used to blackmail his senior officer, his staffs and also others. He is person creating litigation and quarrel in the village. The Petitioners submitted that no such incident took place, as stated by the Complainant, but with an undue influence of some political leaders, who are not in good terms with the petitioner No.1, made the Complainant to file this false complaint against the Petitioners. The said Dasharathraj or any others did not filed any complaint against the Petitioners. There is no truth in the complaint and no such incident

happened, as narrated by the present complainant. They are the permanent residents of Dhanaganahalli, Dasanakoppa in Sirsi Taluk. They are having landed properties and their own houses in Dhanaganahalli. They are the only bread earners in their families. If they are not released on bail, great injustice and hardship will be caused to the Petitioners and their family members. It is clear that the complaint is filed without bonafides and only with evil motives and intentions. There is no ingredients of alleged sections in the complaint. The Petitioners undertakes that, they are ready and willing to appear before the Court. They will not hamper or tamper any witnesses, ready to abide by the terms and conditions and also ready to furnish proper surety, hence prayed to grant of conditional bail.

3. In response to the service of notice, the Complainant as well as other respondents appeared before the Court. The Respondent No.4, 5, 6 and 7 submits that, they are not belongs to SC or ST community and also have not filed any objection. However, the Respondent No.2, who is the Complainant and Respondent No.3, who is the Victim, have filed their written submission stating that, they have no objection for grant of bail.

4. The learned Public Prosecutor has filed objections contending that the Petition filed by the Accused No.1 to 3 is contrary to law and hence, same is liable to be dismissed. It is contended in the objection that, the Petitioner No.1 was a Ex-President of Badanagod Grama Panchayath and he was a

sponsor of Bull racing function held on 07/02/2026 and 08/02/2026 at Dhanaganahalli and he and his supporters put their advertising posters and banners. But they did not remove the banners even after function was over. As per the oral direction of AC Siri, the Complainant sent his staff by name Dasharath Raj and others to remove the said banners. When they went to remove the banners, the Petitioners, by knowing that the said Dasharatharaj belongs to SC/ST community, abused him in a filthy language, on his caste and also obstructed to his duty. The Petitioner No.2 and 3 provoked the Petitioner No.1. The said Dasharathraj and others did not file any complaint. But the Complainant by seeing the video clip of the said incident, filed the complaint against the Petitioners before Banavasi Police Station. IO conducted spot panchanama and recorded the statement of witnesses. The Caste certificate of the Complainant and Accused persons is to be obtained. The offence is committed against the persons, who belongs to scheduled caste. It is further contended that there is a bar under Section 18 of the SC & ST (PoA) Act, for grant of anticipatory bail. If the anticipatory bail is granted to Petitioners/Accused No.1 to 3 then they may commit similar offences, threaten the Complainant and witnesses and also they may abscond. On these grounds, the learned Public Prosecutor sought for dismissal of the bail Petition.

5. Heard the arguments addressed by the Counsel for Petitioners/Accused No.1 to 3 and learned Public Prosecutor.

6. The Points that arise for the consideration of the Court are as under:

- 1) Whether the Petitioners/Accused No.1 to 3 have made out sufficient grounds to enlarge them on anticipatory bail, in the event of their arrest in Banavasi PS Crime No.24/2026 ?
- 2) What Order ?

7. The findings of the Court on the above points are as under:

Point No.1: In the Affirmative  
Point No.2: As per final order,  
for the following:

### **REASONS**

8. **Point No.1**:- Perused the bail Petition, objections filed by the Complainant and also perused the copy of the Complaint, FIR and other documents on record. The Banavasi PS have registered the case against the Accused persons in Crime No.24/2026 for the above said offences. It is alleged in the complaint that, the Accused No.1 was Ex-President of Badangod Panchayat and he was sponsoring the Bull racing which was held on 07/02/2026 and 08/02/2026 at Dhanaganahalli and as such, he and his supporters have put up their advertising posters and banners in the village. However, even after function was over, they have not removed the banners. Therefore, the Complainant sent his staffs to remove the said banners and buntings flags. When they went

to remove the banners, the Petitioners, by knowing that the said Dasharatharaj belongs to SC/ST community, abused him in a filthy language, on his caste and also obstructed him from his duty and the Petitioner No.2 and 3 provoked the Petitioner No.1. Since, the said Dasharathraj and others have not filed any complaint, but the Complainant, by seeing the video clip of the said incident, filed the complaint against the Petitioners before Banavasi Police Station.

9. It is relevant to mention here that, the alleged incident took place on 19/02/2025 and complaint was filed on 21/02/2025 and hence there is delay of 2 days in filing the complaint and no reason is assigned for the said delay. Further, pursuant to the issuance of notice, the Respondent No.4, 5, 6 and 7 appeared before this Court and submits that they have not belongs to SC or ST category and have not filed any objection. It is further relevant to mention here that though the Respondent No.2 and 3, who are the Respondent and Victim, have appeared before this Court, but they have filed their written submission stating that, they have no objection for grant of bail.

10. It is further relevant to mention here that, the offence alleged under Section 3 of Karnataka Open Places Prevention of Disfigurement Act, 1981 and Section 351, 352 R/w Section 3(5) of BNS are bailable, but the offences under section 132 of BNS and Section 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 are non bailable. However, said

offences are not punishable with more than 5 years. As per the IO report, the Police have already conducted spot mahazar and also recorded the statement of witnesses.

11. In a judgment of Hon'ble Supreme Court reported in (2020) 4 SCC 727; between Prathvi Raj Chauhan V/s Union of India, it is held that *"concerning the applicability of provisions of Section 438 Cr.P.C., it shall not apply to the cases under SC & ST (POA) Act of 1989. However, if the complaint does not make out a prima-facie case for applicability of the provisions of the Act of 1989, the bar created by Section 18 and 18-A (1) shall not apply. We have clarified this aspect while deciding the review petitions"*. Thereby, it is held by the Hon'ble Supreme Court that if complaint does not make out a prima-facie case for applicability of the provisions of the Act 1989, the bar created by Section 18 of the Act shall not apply. So, it is clear that if the complaint does not make out a prima-facie case, then the Court can entertain petition and grant anticipatory bail. In the case on hand, from the reading of the complaint, this Court has not found any *prima-facie* to reject the anticipatory bail petition filed by the Petitioner.

12. The apprehension of the Prosecution that if the anticipatory bail is granted to Petitioners/Accused No.1 to 3, then they may commit similar offences, threaten the Complainant and prosecution witnesses and chance of abscondence, can be met out by imposing suitable conditions. The Petitioners have produced their Aadhar card

wherein it is found that, they are the resident of Sirsi taluk and in order to bind them, the suitable conditions can be imposed. Therefore, the objection raised by the Public Prosecutor is not sustainable. Therefore, this Court is of the opinion that the bail Petition filed by the Petitioners/Accused No.1 to 3 under Section 482 of BNSS, deserves to be allowed by imposing conditions. Hence, this Court answers Point No.1 in the **Affirmative**.

13. **Point No.2:** In view of the findings on Point No.1, this Court proceeds to pass the following:

**: ORDER :**

The bail Petition filed by the Petitioners/Accused No.1 to 3, under Section 482 of BNSS, is hereby allowed and the anticipatory bail is granted on the following conditions;

- 1) In the event of arrest of the Petitioners/Accused No.1 to 3, in Banavasi P.S. Crime No.24/2026, the concerned Police are hereby directed to release the Petitioners/Accused No.1 to 3 on bail, on execution of bail bond for Rs.50,000/- each, with one surety for likesum.
- 2) The Petitioners/Accused No.1 to 3 shall appear before the investigating officer, whenever they are called for investigation and they shall co-operate with the investigation.

- 3) The Petitioners/Accused No.1 to 3 shall appear before the Court within 15 days from the date of receipt of the order and shall move an application seeking regular bail.
- 4) The Petitioners/Accused No.1 to 3 shall not tamper with the prosecution evidence as well as witnesses.
- 5) The Petitioners/Accused No.1 to 3 shall not repeat the similar offences.

In case of any of these conditions are violated, the Prosecution is at liberty to seek for cancellation of bail.

(Dictated to the Stenographer directly on computer, revised and corrected by me, signed and then pronounced in the Open Court on this the 11<sup>th</sup> day of March, 2026).

**(MAYANNA. B.L.)**

II Addl. District & Sessions Judge,  
Uttara Kannada, Karwar.