

KAVP010007302026



**IN THE COURT OF II ADDITIONAL DISTRICT AND  
SESSIONS & SPECIAL JUDGE, VIJAYAPURA**

**Present: Sri. ABDUL-RAHIMAN. A. NANDGADI,  
B.Com., LL.B., (Spl.,)  
II Addl. District and Sessions & Spl. Judge  
Vijayapura**

Dated this **09<sup>th</sup>** day of **February, 2026**

**Spl.Case (Sc/St) No.10/2026**

**Petitioner:**  
(Accused)

1. *Arjun S/o Ramappa Badiger @ Mestri,  
Age: 63 Years, Occ: Coolie, R/o Devar  
Hipparagi, Dist. Vijayapura.*  
**[By Sri. R.S.B.(DLSA)-Advocate]**

**V/s.**

**Respondent:**

1. *The State.  
represented by the P.I.,  
Sindgi Police Station.*  
**[Repd. by Ld. Public Prosecutor]**

**ORDER**

*Present Bail Petition is filed by the Accused in Sindagi  
P.S. Crime No.216/2007, [pending on the file of this Court in  
Spl.Case (Sc/St) No.10/2026] U/Sec. 439 of Cr.P.C praying to  
enlarge him on Regular Bail.*

**2.** *The Accused contends that, the alleged offences are not punishable with death or imprisonment for life. He has not committed the alleged offence and he has been falsely implicated by the Police. The Investigation Officer after completing the investigation has filed the Chargesheet and same was registered in S.C.No.56/2007 and now the case is pending for Trial in Spl.Case (Sc/St) No.10/2026. Hence, he is not required for any further Custodial Interrogation. He is in Judicial Custody. If he is further detained in custody, it will cause inconvenience and hardship to him and his respective depending family members. He is permanent resident of the address shown in the Petition, having movable and immovable properties in and around his native. If he is admitted on bail, there are remote chances of his abscondance. He undertakes to appear before the Court on all dates of hearing, without fail; he is ready to furnish surety to the satisfaction of the Court; and abide by the conditions imposed for his release on bail. Hence, prayed to allow his Petition and grant Regular Bail to him.*

**3.** *Notice of the Petition was taken by the learned Spl. P.P. and the learned Spl. P.P has filed his Objections, contending that, the Accused has committed heinous offence. Investigation ws completed and Chargesheet is submitted, same was pending before this Court as Spl. (SC/ST) Case No 56/2007, since the Accused was absconding; on declaring the Accused as a Proclaimed offender the said case was termed as Long Pending Case and was registered as LPR No 1/2012. Further Sindagi Police have arrested the Proclaimed Accused and was produced under NBW, on recalling LPR now the case*

is re-register as Spl.Case (Sc/St) No.10/2026. Prima facie materials are placed to show the involvement and participation of the Accused in commission of the Crime. If the Accused is released on bail, he may flee from justice, again leading to protraction of the Trial. Hence, prayed to reject the Bail Petition.

4. Heard the Arguments of the Learned Chief LADC, DLSA Vijayapura for the Accused and the Learned Spl. P.P.

5. Following points arise for consideration,

**1. Whether the Accused in Sindagi P.S. Crime No.216/2007 (facing Trial in Old Spl. (SC/ST) Case No 56/2007, turned as LPR No 1/2012 and now new Spl.Case (Sc/St) No.10/2026 is entitle for grant of Regular Bail?**

**2. What order?**

6. My findings for the above Points are as under;

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

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

**REASONS**

**7. Point No.1:**

As per the decision **of the Hon'ble Apex Court, in the case of State of Maharastra V/s Sitaram Popat Vetat &**

**Another, reported in (2004) 7 SCC 521**, wherein it is held that;

*"Reasons for grant or rejection of bail must be recorded particularly where an Accused is charged with a serious offences, without discussing the merits of evidence. Conclusive findings, as regards the points urged by the parties not expected of the Court considering the bail".*

**8.** *I have perused the averments made in the bail Petition, F.I.R., Complaint, Chargesheet, the Objections filed by the learned Spl. P.P. and the materials on record. As per the Sindagi PS report Complainant reported to be dead.*

**9.** *Looking to the Complaint averments, the case of the Prosecution in brief is that:*

*A Complaint is lodged by the Complainant-Parashuram S/o Saibanna Ingalagi, contending that on 16.09.2007 at about 6.00 p.m, near Kanthi ditch, on the road leading from Budihal PH to Bandal village of Budihal PH village, when he saw the Accused assaulting his kept mistress Chandavva/ CW.4; and she was seeking help to protect her, at that time he went to rescue her, Accused abused him in filthy language on taking the name of his Caste and assaulted him with the Axe and caused injuries to him. So he has lodged the Complaint.*

*On the basis of the said Complaint, a case was registered at Sindagi P.S. Crime No.216/2007.*

*After completion of Investigation, I.O. has filed Charge-sheet against the Accused persons for the offense punishable*

*U/Secs. 324, 504 of IPC, and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, it was registered at Spl. (SC/ST) Case No 56/2007.*

**10.** *The Learned Chief LADC, DLSA Vijayapura for the Accused submit that, Accused is innocent of the crime, he has not committed any offences, muchtheless, the offence, as alleged by the Prosecution. He has been falsely implicated in the crime, to satisfy some of his ill-will wishers. He had been already enlarged on bail; due to his ill-health and absence, NBW was issued against him; and on executing NBW, he was arrested and remanded to Judicial Custody. His further retention may lead to pre-trial detention, which is not permitted under law.*

**11.** *On perusal of the records and from the Prosecution papers, it is seen that, the Accused was enlarged on bail in Spl. (SC/ST) Case No 56/2007. Due to his failure to appear, he was declared as Proclaimed Accused and matter was referred to as LPR No 1/2012; Sindagi Police have arrested the Proclaimed Accused and was produced under NBW, on recalling LPR now the case is re-register as Spl.Case (Sc/St) No.10/2026.*

*Further, it is seen that the Accused is shown to be a Senior Citizen. Petitioner was enlarged on bail, earlier.*

**12.** *As per the materials on record, the Petitioner is charged with the offences punishable U/Secs 324, 504 of IPC, and Section 3(1)(x) of the Scheduled Castes and Scheduled*

*Tribes (Prevention of Atrocities) Act. The offence alleged U/Sec 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is Non-bailable in nature, but it is not punishable exclusively with death, or imprisonment for life.*

*It is alleged that Accused has assaulted the Complainant with Axe, when the Complainant has gone to rescue Chandavva from the hands of the Accused. It is for the Prosecution to establish the said allegations against the Accused, at the touchstone of evidence, in order to prove the involvement and participation of the Accused in the crime. It is a matter of Trial.*

**13.** *Learned P.P. submits that, if the Accused is released on bail, he may again flee from justice. Such apprehension of the Prosecution can be satisfied by imposing necessary and stringent conditions.*

*Though the Prosecution contends that the Accused has violated the conditions of bail, but no any application was moved in this behalf, seeking cancellation of Bail.*

**14.** *Further, when the Petitioner is sent to Judicial Custody on executing NBW; and when the chargesheet is already submitted longback, it pre-supposes that, he is not required for any further Custodial Interrogation, in the matter. Further retention of the Accused in the Jail, may lead to pre-trial detention, which is not warranted under the law.*

**15.** *The allegations made by the Complainant against the Accused has to undergo the test of Trial. The Prosecution*

*has to prove the allegations made against the Accused; establish the involvement and participation of the Accused in the Crime; and the Accused is to be linked to the alleged crime; ingredients of Offence punishable U/Secs 324, 504 of IPC, and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are to be established, at the touchstone of evidence.*

***16.** Under these circumstances; and on considering the accusation made against the Accused; gravity of the offences; the material placed by the Prosecution on record; the Accused was already enlarged on bail; the Accused being a Senior Citizen; the length/period of Judicial Custody of the Accused; and on observing that, Petitioner/Accused is not required for any Custodial Interrogation; and Chargesheet is submitted longback, I am of the considered opinion that the Accused is entitled for grant of Regular Bail, subject to certain conditions.*

***Hence, I answer Point No.1 in the Affirmative.***

***17. Point No.2:***

*For having answered Point No.1 in the Affirmative, I proceed to pass the following:*

***ORDER***

***The Petition filed by the Petitioner/Accused in Sindagi P.S. Crime No.216/2007 converted as Old Spl. (SC/ST) Case No 56/2007, turned as LPR No 1/2012 and now new Spl. Case (SC/ST) No.10/2026, U/Sec. 439 of Cr.P.C., is hereby Allowed.***

*In the consequences, it is ordered to release the Petitioner/Accused in Sindagi P.S. Crime No.216/2007, turned as Old Spl. (SC/ST) Case No 56/2007, turned as LPR No 1/2012 and now new Spl. Case (Sc/St) No.10/2026, registered for the offences punishable U/Sec. 324, 504 of IPC, and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, if he is not required in any other crime, subject to the following conditions:*

***The Petitioner/Accused, shall-***

***a) execute personal bond for the sum of Rs.1,00,000/-, with one surety for the likesum, to the satisfaction of the Trial Court;***

***b) shall not leave the Jurisdiction of this Court, without prior permission, till disposal of the case;***

***c) appear before this Court on all hearing dates, without fail;***

***d) not tamper the Prosecution witnesses, either directly, or indirectly;***

***f) not involve in same and similar offence; &***

***e) produce his present Identity size Photograph alongwith copy of the Aadhar Card before this Court.***

*[Dictated to the Stenographer directly on computer, typed and computerized by him, corrected and signed by me and then pronounced in the open court on this 09<sup>th</sup> day of February, 2026]*

***[ABDUL-RAHIMAN. A. NANDGADI]***

*II Addl. District & Sessions and  
Spl. Judge Vijayapura*