



1

Crl.Misc.251/2026

**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS
JUDGE, YADGIR.**

Dated this the **29th day of May, 2026**

PRESENT

Sri.Marulasiddaradhy H.J.

B.A, LL.B.,LL.M

Prl. District and Sessions Judge,
Yadgir.

CRIMINAL MISCELLANEOUS No. 251/2026

Petitioners/Accused No. 1 to 3:

1. Shivangouda @ Shivaraj
S/o Manappagouda Malipatil,
Age: Major, Occ: Agriculture,
2. Basangouda @ Basavaraja
S/o Bhimarayagouda @ Bhimaraya,
Age: 35 years, Occ: Agriculture,
3. Devappa @ Devanna S/o Sheshappa
Age: 39 years, Occ: Agriculture,
All are R/o: Baichabal,
Tq: Hunasagi, DistL Yadgir.

(By Sri.S.A.Q., Advocate)

Vs.

Respondent:

1. The State through Kembhavi P.S,
Tq: Hunasagi, Dist: Yadgiri.
2. Bhimaraya S/o Hanmantha Tammadoddi,
R/o: Village Baichbal,
Tq: Hunasagi, Dist: Yadgiri.



2

Crl.Misc.251/2026

(By Public Prosecutor, Yadgir for R-1)
(Sri. A.H.T., Advocate for R-2)

* * *

ORDER

This petition is filed by the petitioners/accused under Section 482 of the Bharatiya Nagarik Suraksha Sanhita-2023 (in short 'BNSS-2023'), seeking anticipatory bail apprehending their arrest in Cr.No.62/2026 registered by the respondent-Police, for the offences punishable under Sections 115(2), 352, 351(2) R/w Sec.3(5) of the Bharatiya Nyaya Sanhita-2023 (in short 'BNS-2023') and Sec.3(1)(r), 3(1)(s), 3(2)(v-a) of SC/ST (P.A) Act, 1989.

2) The petitioners have presented their petition with various grounds.

3) The learned Public Prosecutor after service of notice appeared in this case and filed detailed objection with C.D. by praying to reject the bail petition having no grounds made out by the petitioners.

4) After service of notice to respondent No.2 appeared through Sri.AHT., Advocate and filed objection by



praying to reject the bail petition.

5) Heard both sides and perused the grounds of the petition, objection and document on record.

6) The following points arise for my determination:

1) Whether the petition U/sec.482 of BNSS is deserves to be allowed?

2) What order?

7) My findings on the above points are as follows:

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

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

REASONS

8) **POINT No.1:-** The contents of FIR reveal that, on 28.04.2026 complaint is lodged before Kembhavi P.S with the allegation that on that day at about 6.00 a.m., on Bachibal Shorapur Road when complainant was walking by the side of the road in front of panshop of Hanumanth the accused No.1 to 5 belongs to general community started quarreling with him and abused him in filthy language by touching his caste name. They have assaulted the



complainant with hands and slapped him over his cheek. When he screamed loudly the neibours intervened and pacified the quarrel. The accused left the spot by giving him life threat. He having no physical injuries not taken any treatment, but after discussing with family members lodged the complaint which is registered with Crime No.63/2026 for the aforesaid offences.

9) The petitioners being apprehended of arrest filed this petition on the grounds that they are innocent and falsely implicated in this case in connection. The facts of the case does not attract any offences punishable under SC/ST (P.A) Act. No MLC his received from the hospital but lodged the complaint. The allegations are not punishable either with life imprisonment or death sentence. Petitioners are the permanent residence with agriculture occupation. They are ready to abide by any conditions.

10) After service of notice respondent No.2 appeared through Sri. A.H.T., Advocate and filed objection by praying to reject the bail petition.

11) The learned special public prosecutor has also



filed objections by contending that, the accused have not made out any exceptional grounds and prima-facie appears to has committed serious offences. In case of their release, they may abscond and destroy the prosecution evidence. They may cause delay in conclusion of investigation. Hence prays to reject the bail petition.

12) The facts of the case reveal absence of any treatment taken by the complainant in connection with the incident. He alleged absence of any bleeding injuries to taken treatment. There is no MLC for registering the complaint.

13) The facts of the case also not satisfactorily reveal motive in committing the alleged offences and also there is case and counter case registered between the parties. The complaint lodged by accused No.4 has been registered against one Shivannagouda and others has been registered on the same day at about 8.00 p.m.,. There is existing enmity between the both the family of their village and all of the petitioners are agriculturist with depending family members.



14) The facts of the case reveal commission of alleged offences by the accused not for the only reason that the victim belongs to SC/ST community and there is no threat to his life and safety at the hands of the petitioners. There is no necessity to detain the petitioners in custody for any purpose.

15) Hence, by considering the facts and circumstances of the case, absence of criminal antecedents, and also commission of alleged offences by this petitioners not just for the reason that, the victim belongs to SC/ST community I am relaying upon the observations of the Hon'ble Supreme Court in the following judgments:

- a) *In the case of Prathvi Raj Chauhan V/s. Union of India (2020) 2 SCC 570.***
- b) *In the case of Shajan Skaria V/s. State of Kerala (2024) INSC 652, dated on 23.08.2024.***
- c) *In the case of Kiran V/s. Rajkumar Jivraj Jain (2025), decided on 01.09.2025.***

16) In the above judgments of the Hon'ble Apex Courts observed that anticipatory bail can only be granted when no prima facie case is made out under the Act that includes absence of caste based humiliation and fulfillment



of ingredients to constitute the offences.

17) Hence, in the instant case the accused/petitioners alleged to have committed the offence without causing any dangerous to the life and safety of the victim by considering the facts and circumstances, I am of the opinion that all the petitioners are entitled for bail subject to reasonable conditions to satisfy the objections of learned Public Prosecutor and respondent No.2. Thus, I answer Point No.1 in the **Affirmative**.

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

ORDER

The petition filed by the petitioners/accused under Section 482 of BNSS., is hereby allowed.

The petitioners/accused are ordered to be released on bail on executing personal bonds for Rs.1,00,000/- each with one surety for all for the like-sum in the event of their arrest by the respondent Police in Cr.No.62/2026 subject to the following conditions;

- 1.** The petitioners/accused shall surrender before the jurisdictional I.O. or the court within 15 days from the date of this order and comply the conditions.
- 2.** The petitioners/accused shall co-operate with IO for the purpose of



investigation.

3. The petitioners/accused shall not abscond or tamper with prosecution evidence.
4. The petitioners/accused shall appear before the court on every date of hearing unless expressly exempted by order of the court.

(Dictated to the Stenographer Grade-III transcribed, corrected it, taken out print, signed and then pronounced by me in the open Court on the **29th day of May, 2026**).

(Marulasiddaradhya H.J.)
Prl.District and Sessions Judge,
Yadgir.