



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100512 OF 2026
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. SHRI KALLAPPA
S/O. RUDRAPPA SHETTENNAVAR,
AGE: 23 YEARS,
OCCN: AGRICULTURIST,
R/O. GANDIGWAD VILLAGE,
TQ. KHANAPUR,
DIST. BELAGAVI-591302.
2. SHRI NAGARAJ
S/O. RUDRAPPA SHETTENNAVAR,
AGE: 25 YEARS,
OCCN: AGRICULTURIST,
R/O. GANDIGWAD VILLAGE,
TQ. KHANAPUR,
DIST. BELAGAVI-591302.

...PETITIONERS

(BY SRI SUJEET SHASHIDHAR HIEMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH NANDAGAD POLICE STATION,



HC-KAR

NC: 2026:KHC-D:4693
CRL.P No. 100512 of 2026

REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH.

2. SMT. NANDA
W/O. RAMESH DEGANVI,
AGE: 33 YEARS, OCCN: COOLIE,
R/O. GANDIGAWAD,
TQ. KHANAPUR,
DIST. BELAGAVI-591302.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 DISPENSED WITH)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS, 2023) PRAYING TO QUASH THE ORDER OF CANCELLATION OF BAIL DATED 30/01/2026 AND THE ORDER DATED 07/02/2026 REMANDING THE ACCUSED 2 & 3 TO JUDICIAL CUSTODY, PRODUCED VIDE., ANNEXURE-A, PASSED BY THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE FTSC-1, BELAGAVI, AT: BELAGAVI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 323, 354, 354D, 427, 504, 506 R/W. SECTION 34 OF IPC AND SECTION 12, 17 OF THE POCSO ACT, IN THE PROCEEDINGS OF SPECIAL CASE NO.353/2024 AND ETC,

THIS PETITION COMING ON FOR ORDERS, THIS DAY ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

The petitioners/accused Nos.2 and 3 have filed this criminal petition under Section 482 of Code of Criminal Procedure (Cr.P.C)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS) seeking to quash the order of cancellation of bail and remanding the petitioners/accused Nos.2 and 3 to judicial custody, with the following prayer:

"PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Court be pleased:-

i) To Quash the Order of Cancellation of Bail dated 30/01/2026 & the Order dated 07/02/2026 remanding the Accused 2 & 3 to Judicial Custody, produced vide., ANNEXURE-A, passed by the Court Of Additional District & Sessions Judge FTSC-1, Belagavi, At: Belagavi, for the offences punishable U/sec.323, 354, 354D, 427, 504, 506 R/w Sec. 34 of IPC and Sec. 12, 17 of the POCSO Act, in the proceedings of Special Case No.353/2024.

ii) Consequently a direction to release Accused 2 & 3 from Judicial Custody by accepting surety, may kindly be issued, in the interest of justice."

2. The petitioners/accused Nos.2 and 3 are facing trail for the offences as above stated. The



petitioners/accused Nos.2 and 3 were on bail during the trial. On 30.01.2026, the petitioners/accused Nos.2 and 3 were absent before the Trial Court and there was no representation on behalf of the petitioners/accused Nos.2 and 3. On the very same day, the learned Special Judge cancelled the bail granted to the petitioners/accused Nos.2 and 3 and remanded them to judicial custody. The said order is under challenge in this petition.

3. The order sheet of the Special Court discloses that on 30.01.2026, the petitioners/accused Nos.2 and 3 were absent and it is recorded that there was no representation on behalf of them. On the very same day, the learned Special Judge cancelled the bail granted to the petitioners/accused Nos.2 and 3 and remanded them to judicial custody and issued Non-Bailable Warrant (NBW) to the petitioners/accused Nos.2 and 3. By virtue of the said NBW issued to the petitioners/accused Nos.2 and 3, they are now remanded to judicial custody and they are in custody.



4. Before cancellation of the bail granted to the petitioners/accused Nos.2 and 3, the learned Special Judge ought to have given an opportunity to the accused Nos.2 and 3, but the same was not given. During the course of trial, when the petitioners/accused Nos.2 and 3 were absent and there was no representation, the recourse that ought to have been taken place was to issue show cause why bail should not be cancelled with NBW, but without doing so, straightway the learned Special Judge has cancelled the bail and thereafter issued NBW; this method adopted by the learned Special Judge is not correct. Hence, the order dated 30.01.2026 canceling the bail granted to the petitioners/accused Nos.2 and 3 and the order dated 07.02.2026 remanding the petitioners/accused Nos.2 and 3 to judicial custody are hereby set aside.

5. The petitioners/accused Nos.2 and 3 are to be set at liberty. If prosecution desires to get the bail granted to the petitioners/accused Nos.2 and 3 cancelled, then prosecution shall have to file an application for cancellation



of bail and after filing such application, an opportunity shall be given to the petitioners/accused Nos.2 and 3, and then an appropriate order shall be passed. Thus, the appeal is liable to be allowed.

6. In the result, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The order dated 30.01.2026 cancellation of bail and the order dated 07.02.2026 remanding accused Nos.2 and 3 to judicial custody passed in Spl.C.No.353 of 2024 by the Additional District and Sessions Judge FTSC-1, Belagavi, is hereby set aside.
- iii. The petitioners/accused Nos.2 and 3 be released on bail with earlier surety while they have been released on bail.



iv.If the prosecution wants to get cancellation
of bail, then he has liberty to file an
application for cancellation of bail.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

SRA /CT-AN
List No.: 2 Sl No.: 25