



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CRIMINAL APPEAL NO.100170 OF 2026

(U/S 14 A(2) of SC and ST ACT)

BETWEEN:

VENKAPPA S/O. BASAPPA GANGAREDDY,
AGED ABOUT 32 YEARS, OCC. AGRICULTURE,
R/O. YARAGATTI, YARAGATTI TALUK,
DIST. BELAGAVI-591129.

...APPELLANT

(BY SMT. BHAGYASHREE BIKKANNAVAR, ADVOCATE FOR
SRI. G.V. BHARAMAGOUDR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD
THROUGH MURGOD POLICE STATION.
2. MAHADEV TIMMANNA MADAR,
AGED ABOUT 32 YEARS, OCC. TRUCK CLEANER,
R/O. MUDENKOPPA, RAMDURG TALUK,
DIST. BELAGAVI-591123.
3. MAHADEV BASANAIAK AVARADI,
AGE. 25 YEARS, OCC. DRIVER,
R/O. JEEVAPUR, YARAGATTI TALUK,
BELAGAVI-591130.

...RESPONDENTS





(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1;
NOTICE TO R2 AND R3 ARE SERVED)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14(A)(2) OF SC/ST (PREVENTION OF ATROCITIES) ACT, 1989, PRAYING TO SET ASIDE THE ORDER DATED 28/02/2026 PASSED IN CRIMINAL MISCELLANEOUS NO.00233/2026 PASSED BY THE III ADDITIONAL SESSIONS JUDGE, AT BELAGAVI, REJECTING THE PETITION FILED UNDER SECTION 482 OF BNSS BY THE APPELLANT/ ACCUSED NO.1 IN CRIME NO.39/2026 FOR ANTICIPATORY BAIL AND CONSEQUENTLY TO ENLARGE THE APPELLANT ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CONNECTION WITH MURGOD PS CRIME NO.39/2026 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 118(1), 133, 324(2), 352, 351(2) OF BNS AND UNDER SECTIONS 3(1)(R), 3(1)(S), 3(2)(VA) OF THE SCHEDULED CASTE AND THE SCHEDULED TRIBE (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 IN THE INTEREST OF JUSTICE.

THIS CRIMINAL APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL JUDGMENT

Heard the learned counsel Smt.Bhagyashree Bikkannavar and Sri.G.V.Bharmagoudar, counsels for the appellant and the learned HCGP Smt.Girija Hiremath, for respondent No.1.

2. This appeal is filed under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989¹, seeking to enlarge the appellant/accused on bail with the following prayer:

"WHEREFORE, the appellant mostly humbly prays that this Hon'ble Court be pleased to set aside the order dated 28.02.2026 passed in Criminal Miscellaneous No.00233/2026 passed by the III Additional Sessions Judge, At Belagavi, rejecting the petition filed under Section 482 of BNSS by the appellant/accused No.1 in Crime No.39/2026 for anticipatory bail and consequently to enlarge the appellant on anticipatory bail in the event of his arrest in connection with Murgod PS

¹ Hereinafter referred to as the 'SC and ST Act'



Crime No.39/2026 for the offences punishable under Section 118(1), 133, 324(2) 352, 351(2) of BNS and under Section 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Caste and The Scheduled Tribe(Prevention of Atrocities)Amendment Act 2015 in the interest of justice..”

3. It is the case of the prosecution that the complainant belongs to the member of Schedule Caste and Schedule Tribe and on 27.01.2026 at 06.15 a.m. when he was going in a Tipper lorry and that was intercepted by the present appellant and he asked to give sum to ₹ 10,000/- as hafta and when it was resisted by the complainant, then the appellant has assaulted and abused by taking his caste. Therefore, the complainant has filed the complaint against the accused. Based on the complaint, a case was registered against the accused for the offences stated above.

4. Learned counsel for the appellant submitted that the complaint filed by the complainant is false and abuse of process of Court for the reason that the appellant actually earlier has filed a complaint against the complainant herein



wherein, accused is arrested on 30.08.2026. Thereafter, as a counter blast, the present false complaint is filed. Therefore, prima facie, it appears that a false complaint is filed. Therefore, he prays for grant of anticipatory bail.

5. Learned HCGP vehemently opposes the grant of anticipatory bail to the appellant and prays for rejection of the appeal.

6. Upon considering the arguments, though the allegations are fastened against the appellant for the afore said offences, but the complaint averments are considered under the facts and circumstances surrounding the complaint that the appellant herein has filed a complaint which is registered in crime No.38/2026 dated 27.01.2026. Upon considering the complaint given by the appellant herein in Crime No.38/2026, that there was allegation of money transaction between the complainant and the appellant. Therefore, in that regard, altercation of complaint resulting into registration of Crime No. 38/2026. In Crime



No. 38/2026, there is allegation that complainant herein owed to give money to the appellant and when the complainant has refused to give money, in such circumstances, quarrel taken place resulting into registration of Crime No.38/2026. Therefore, in this regard, the submission made by the learned counsel for the appellant is considered that after four hours after lodging the Crime No.38/2026, the complainant herein has lodged false complaint in Crime No.39/2026. Therefore, considering these facts and circumstances, and applying the principles of law laid down by ***Prathvi Raj Chauhan vs. Union of India and Others²***, this Court inclines to grant anticipatory bail to the appellant.

7. Hence, I proceed to pass the following:

ORDER

i) The appeal is ***allowed***.

² (2020) 4 Supreme Court Cases 727



ii) The appellant/accused is ordered to be enlarged on bail in Crime No.39/2026 of Murgod Police Station for the offence punishable under Sections 118(1), 133, 324(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending on the file of III Additional District and Sessions Judge, Belagavi, subject to the following conditions.

a) The appellant shall execute a personal bond for a sum of Rs.1,00,000/- along with one surety for the like sum to the satisfaction of the trial Court.

b) The appellant shall not leave the jurisdiction of the trial Court without prior permission of the Court.



c) The appellant shall not tamper and threaten the prosecution witnesses in any manner.

d) The appellant shall mark his attendance before the concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m.

e) The appellant shall attend the Court regularly during the trial without fail. If not attend for consecutive two times it entails cancellation of bail.

iii) Violation of any of the conditions imposed would entitle the prosecution to move for cancellation of bail.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

HMB
CT: UMD
List No.: 1 Sl No.: 13