



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL APPEAL NO. 100705 OF 2025
(U/S 14 A(2) OF SC AND ST ACT)

BETWEEN:

1. SAMEER @ SHANU S/O. MAVUBSAB MULLA
AGE. 19 YEARS, NOW 21 YEARS,
OCC. CENTERING WORK,
R/O. CHABBI PLOT, 1ST CROSS,
NEAR NAGA MANDIR TEMPLE,
OLD HUBBALLI, HUBBALLI-580024.
2. SHASHIDHAR @ MACCHI S/O. VASANT SURANAGI,
AGE. 21 YEARS, NOW 23 YEARS,
OCC. GRILL WORK, R/O. NEKAR NAGAR
VINAYAK CHOWK, NEAR GANAPATI TEMPLE,
OLD HUBBALLI, HUBBALLI-580024.
3. NIKHIL S/O. SADASHIVA MEDAR
AGE. 22 YEARS, NOW 23 YEARS,
OCC. N. C. HELPER,
R/O. AZMIR NAGAR,
NEAR MASQUE, OLD HUBBALLI,
HUBBALLI-580024.
4. PRADEEP @ PADYA S/O. SADANAND SINGADE
AGE. 20 YEARS, NOW 24 YEARS,
OCC. FABRICATION, R/O. NEKAR NAGAR,
MARUTI CIRCLE, 1ST CROSS,
NEAR CHOUDESHWARI NAGAR,
OLD HUBBALLI, HUBBALLI-580024.

...APPELLANTS

(BY SRI. K.M. SHIRALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
OLD HUBBALLI POLICE STATION,





THROUGH THE ASSISTANT COMMISSIONER OF POLICE,
SOUTH SUB DIVISION, HUBBALLI,
R/BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENCH AT DHARWAD.

2. BASAVARAJ S/O. JAYAPPA CHALAWADI
AGE. 28 YEARS, NOW 30 YEARS,
OCC. PRIVATE WORK,
R/O. TIMMASAGAR ROAD,
SHIVASHAKTI NAGAR, NEKAR NAGAR,
OLD HUBBALLI, HUBBALLI-580024

...RESPONDENTS

(BY SRI. JAIRAM SIDDI, HCGP FOR R1;
NOTICE SERVED TO R2)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14 A(2) OF SC AND ST (POA) ACT 1989, PRAYING TO SET ASIDE THE ORDER PASSED DATED 03.10.2025 IN SPL.SC/ST NO.21/2023 AGAINST THESE APPELLANTS/ACCUSED NO.1 TO 4 FOR THE OFFENCE PUNISHABLE U/S 143, 147, 148, 109, 302 OF IPC R/W SECTION 149 OF IPC AND U/S 3(1)(r)(s), 3(2)(v-a), 3(2)(v) OF SC/ST AND PREVENTION OF ATROCITIES ACT 1989 PENDING ON THE FILE OF THE II ADDL.DISTRICT AND SESSIONS JUDGE, DHARWAD AND SPECIAL COURT OF TRIAL OF THE OFFENCES UNDER THE OCSO ACT AND SC AND ST (POA) ACT, ARISING OUT OF OLD HUBBALLI P.S. CRIME NO.35/2023 REGISTERED FOR THE OFFENCES PUNISHABLE U/S 143, 147, 148, 302 R/W SECTION 149 OF IPC AND U/S 3(1)(r), 3(1)(s), 3(2)(v-a) OF SC/ST AND PREVENTION OF ATROCITIES ACT 1989 AND RELEASE THESE PETITIONERS/ACCUSED NO.1 TO 4 ON BAIL IN THE ABOVE CASE.

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



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri. K. M. Shiralli, learned counsel for the appellants and Sri.Jairam Siddi, learned High Court Government Pleader for respondent No.1-State.

2. Appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989¹ with the following prayer:

"Wherefore, the Appellants/Accused No.1 to 4 above named pray that, this Hon'ble Court be pleased to set aside the order passed dated 03.10.2025 in Spl. SC/ST No.21/2023 against these appellants/accused No.1 to 4 for the offence punishable U/Sec. 143, 147, 148, 109, 302 of IPC R/w. Section 149 of IPC and under Section 3(1)(r)(s), 3(2)(v-a), 3(2)(v) of SC/ST and Prevention of Atrocities Act, 1989 pending on the file of the Hon'ble II Additional District and Sessions Judge, Dharwad and Special Court of Trial of the Offences Under the P.O.C.S.O Act and S.C and S.T. (P.O.A.) Act, arising out of Old Hubballi P S Crime No.35/2023 registered for the

¹ For short, 'SC and ST Act'



offences punishable under Section 143, 147, 148, 302 R/w. Sec 149 of IPC and Under Section 3(1)(r), 3(1)(s), 3(2)(v-a) of SC/ST and Prevention of Atrocities Act, 1989 and release these petitioners/accused No.1 to 4 on bail in the above case in the interest of justice."

3. Appellants have been charge sheeted for the offences punishable under Sections 143, 147, 148, 109, 302 read with Section 149 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s), 3(2)(v-a) and 3(2)(V) of SC and ST Act.

4. Attempt earlier made by the appellants to seek an order of grant of bail was turned down by the learned Special Judge and trial is under progress.

5. During the trial, material witnesses have turned hostile to the case of the prosecution, as could be seen from the copy of the depositions placed on record along with the memo by the learned counsel for the appellants.

6. Learned Special Public Prosecutor confronted the statements of the charge sheet witnesses in the cross-examination and questioned them. Despite the same, prosecution is unable to secure any favourable orders so as



to advance the case of the prosecution to any extent much less beyond reasonable doubts.

7. Taking note of the same, continuation of the appellants in judicial custody is no longer warranted.

8. Other apprehensions of the prosecution can be met with by imposing suitable and stringent conditions.

9. Accordingly, the following:

ORDER

- (i) The appeal is ***allowed***.
- (ii) Appellants are directed to be enlarged on bail on executing personal bond in a sum of Rs.50,000/- each with one surety each for the like sum to the satisfaction of the Trial Court.
- (iii) Appellants shall co-operate with the trial in all respects.
- (iv) Appellants shall attend the Court regularly.



(v) Appellants shall not tamper the prosecution witnesses in any manner.

(vi) Appellants shall not leave the jurisdiction of Dharwad District without prior permission.

Violation of any one of these conditions would entitle the prosecution to seek for cancellation of the bail.

Sd/-
(V.SRISHANANDA)
JUDGE

SMM CT:CMU
LIST NO.: 1 SL NO.: 1