



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. 100831 OF 2025
(U/S 14 A(2) OF SC AND ST ACT)

BETWEEN:

SHRI. MAHESH S/O ASHOK NAGANUR
AGE. 24 YEARS,
R/O. MOUNESHWAR NAGAR,
BAILHONGAL - 591 102.

...APPELLANT

(BY SRI. SHARAD MALGOUND PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD, THROUGH SHO BAILHONGAL
POLICE STATION - 591 102.
2. SHRI SANTOSH S/O BABU MADIGAR,
AGE. 32 YEARS,
R/O. NAVALGATTI, BAILHONGAL,
DIST. BELAGAVI - 591 102.

...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 ACT 1989, PRAYING TO SET ASIDE THE ORDER PASSED BY THE III ADDL. DISTRICT AND SESSIONS JUDGE BELAGAVI IN CRIMINAL MISC NO. 001461/2025 DATED 28.11.2025. AND ALLOW THIS CRIMINAL APPEAL AND GRANT ANTICIPATORY BAIL TO THE APPELLANT/ACCUSED NO. 3 IN THE EVENT OF THEIR ARREST IN BAIL HONGAL PS IN CR.NO. 180/2025 FOR THE ALLEGED OFFENCE PUNISHABLE U/SEC. 189(2), 191(2), 115(2), 118(1), 118(1), 118(2), 109(1), 352, 351(2) R/W SEC. 190 OF BNS AND ALSO U/SEC. 3(1)(r), 3(1)(s) sec. 3(2)(v) 3(v-a) SC/ST PREVENTION OF ATROCITIES AMENDMENT ACT 2025.





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. Sharad M. Patil, learned counsel for the appellant and Sri. Jairam Siddi, learned High Court Government Pleader for respondent No.1-State.

2. Respondent No.2 served with the notice and remained absent.

3. Appeal under Section 14A(2) of Scheduled Castes and Secheduled Tribes (Prevention of Atrocities) Act, 1989, with the following prayer:

"Wherefore, the appellant most respectfully prays that this Hon'ble Court may be pleased to call for the records and

A. Set aside the order passed by the Hon'ble III Addl. District and Sessions Judge, Belagavi in Criminal Misc. No.001461/2025 dated 28/11/2025.

B. Allow this Criminal Appeal and grant anticipatory bail to the appellant/Accused No.3 in the event of their arrest in Bailhongal PS Crime No.180/2025 for the alleged offences punishable



U/Sec 189(2), 191(2), 115(2), 118(1), 118(2), 109(1), 352, 351(2) R/w Sec 190 BNS and also U/Sec 3(1)(r), 3(1)(s) and 3(2)(v), 3(v-a) SC and ST Prevention of Atrocities Amendment Act 2025 in the interest of justice."

4. Appellant is the accused No.3 in Special Case No.615/2025 and facing the trial for the offences punishable under Sections 189(2), 191(2), 115(2), 118(1), 118(2), 109(1), 352, 351(2) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r), 3(1)(s) and 3(2)(v), 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. Admittedly, the appellant is shown as absconding accused in the charge sheet. In order to find out whether Section 18 of the Act is a bar to entertain the anticipatory bail request of the appellant, this Court perused the complaint and other material evidence on record collected in the form of charge sheet.

6. On such perusal, *prima facie* materials are made out against the present appellant to attract the offence



under the Provisions of Prevention of Atrocities Act as there is specific allegation that accused party have abused the complainant in filthy language by taking out his caste name in public.

7. Thus, the bar under Section 18 of the Act is applicable in the case on hand. Hence, the following:

ORDER

- (i) The appeal is ***dismissed***.
- (ii) However, noting the fact that other accused persons in the same crime has been granted bail, if the appellant surrenders before the Trial Court, the Trial Court may consider his bail request in accordance with law including the ground of parity.

**Sd/-
(V.SRISHANANDA)
JUDGE**