



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CRIMINAL APPEAL NO.100817 OF 2025
(U/S.14 A(2) of SC & ST ACT)

BETWEEN:

1. CHANDRASHEKHARA
S/O. SHAMBAYYA MATHAD,
AGE: 44 YEARS, OCC: BUSINESS,
R/O. H.NO.11, NEAR KALMESHWAR TEMPLE,
HIEMALLIGAWAD, DHARWAD,
PIN CODE 580007.
2. NINGAPPA S/O. BASAVARAJ TENGINKAI,
AGE: 34 YEARS, OCC: PRIVATE SERVICE,
R/O. RAVIWAR PETH ONI, HEBBALLI,
HEBBALLI, DIST. DHARWAD,
PIN CODE-580112.

...APPELLANTS

(BY SRI M. M. KORIMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH DHARWAD DCRE POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,



SPP OFFICE, DHARWAD BENCH,
DHARWAD-580011.

2. MALLIKARJUN DEVENDRAPPA ROTTIGAWAD,
AGE: 57 YEARS, OCC: FARMER,
R/O. KANAVIHONNAPUR,
TQ. AND DIST. DHARWAD,
PIN CODE-580114.

...RESPONDENTS

(BY SRI JAIRAM SIDDI, HCGP FOR R1;
SRI MALLIKARJUN DEVENDRAPPA ROTTIGAWAD-PARTY IN PERSON)

THIS CRIMINAL APPEAL IS FILED UNDER SECTIONS 14A(2) OF SC/ST (POA) ACT, 1989, PRAYING TO PASS AN ORDER GRANTING ANTICIPATORY BAIL IN FAVOUR OF APPELLANTS/ACCUSED NO.1 AND NO.2 AND DIRECTING TO RELEASE THE APPELLANTS /ACCUSED NO. 1 AND NO.2 ON BAIL, IN THE EVENT OF THEIR ARREST IN DHARWAD DCRE P.S. CRIME NO.2/2025 REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 126(2), 352, 351(3), 3(5) R/W. SECTIONS 3(1)(r), 3(1)(s), 3(2)(va) OF (PREVENTION OF ATROCITIES) AMENDMENT BILL, BY SETTING ASIDE THE ORDER DATED 28.11.2025 IN CRL.MISC NO.493/2025 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, DHARWAD AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR



ORAL JUDGMENT

This appeal is filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989¹, seeking to enlarge the appellants/accused Nos.1 and 2 on anticipatory bail with the following prayer:

"THEREFORE, on the above stated grounds and any other grounds that may be submitted at the time of hearing of this case, it is most respectfully prayed that:

a) That the Hon'ble Court may kindly pleased to pass an order granting anticipatory bail in favour of appellants/accused No.1 and accused No.2 and directing to release the appellants/accused No.1 and No.2 on bail, in the event of their arrest in Dharwad DCRE P.S. Crime No.2/2025 registered for the offences punishable U/Sec.115(2), 126(2), 352, 351(3), 3(5) R/w Section 3(1)(r), 3(1)(s), 3(2)(va) of (Prevention of Atrocities) Amendment Bill by setting aside the order dated 28.11.2025 in Crl.Misc.No.493/2025 on the file of II Addl. District and Sessions Judge, Dharwad.

b) That, any other orders may kindly be passed, that this Hon'ble Court deems proper in the facts and circumstances of the case, in the interest of justice and equity, as the present application regarding grant of anticipatory bail, the matter may kindly be treated as an urgent matter to prevent the abuse of process of law."

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



2. The brief case of the prosecution as per the averments made in the complaint and FIR is that the complainant belongs to a Scheduled Tribe and accused No.1 belongs to Lingayat Community and both were aware of each other's caste. It is alleged that the appellant/accused No.1 was collecting money for establishment of a college. Accordingly, the complainant has paid a sum of Rs.50,000/- to accused No.1 through PhonePe and accused No.1 had also collected money from other persons. Thereafter, accused No.1 has given a cheque of Rs.25 lakhs. However, on 14.04.2025 at about 11.30 a.m., accused No.1 called one Adarsh Parasannavar stating that he has given instruction to Bank to stop payment of cheque and asked to bring the cheque given by him and he will return amount. Therefore, the complainant and others have gone to the Parishram College. Since that day was being celebrated as Children's Day, accused No.1 took the complainant and others near Ramya Residency, located on the Hubli-Dharwad bye-pass road. At that place, when the



complainant asked for the amount, accused No.1 assaulted the complainant, abused him by referring to his caste and caused injuries. Therefore, the complainant went to KIMS Hospital and took treatment therein. Based on the complaint, a case was registered for the offence stated above.

3. Notice was issued to respondent No.2, who has appeared as party-in-person.

4. Heard Sri.M.M.Korimath, learned counsel for the appellants, Sri.Jairam Siddi, learned HCGP appearing for respondent No.1/State and Sri.Mallikarjun Devendrappa Rottigawad, respondent No.2/party-in-person. Respondent No.2/party-in-person has produced a pen drive.

5. Learned counsel for the appellants/accused Nos.1 and 2 submitted that the alleged incident was not taken place and that the entire complaint averments are false and filing of complaint is nothing but an abuse of process of



Court. Therefore, prays to grant the benefit of anticipatory bail to the appellants/accused Nos.1 and 2.

6. Learned HCGP and respondent No.2 have filed statement of objections opposing the appeal and requested that anticipatory bail cannot be granted to the appellants/accused Nos.1 and 2. It is further submitted that immediately after the incident, respondent No.2 went to KIMS Hospital and therein he took treatment and produced a copy of the medical certificate. It is further submitted that anticipatory bail cannot be granted in view of Sections 18 and 18A of the SC and ST Act.

7. Considering the rival submissions and the averments made in the complaint and FIR, the alleged incident is stated to have been occurred on 14.11.2025 between 4.30 p.m. and 5.30 p.m., whereas the complaint was lodged by respondent No.2 on 17.11.2025 at 2.15 a.m., indicating a delay of three days in lodging the complaint. Apparently upon perusal of the complaint, there



is no explanation for the delay in lodging the complaint. This delay can be considered during the trial, but not at this stage. However, it is one of the factors to be considered while deciding the bail application. Furthermore, the wound certificate shows that the injuries stated to have been sustained by respondent No.2 are simple in nature and that he was treated as an outpatient.

8. It is the submission of learned counsel for the appellants/accused Nos.1 and 2 that when the respondent No.2 is alleging the happen of incident but as on that date and time, the appellants/accused Nos.1 and 2 were in police station and have produced a pen drive. To the counter, respondent No.2 has also filed photograph and CCTV Footage. Therefore, without expressing any opinion on the merits of the case whether the offence was taken place or not, as above discussed, that would be left to the trial, but at this stage, the appellants/accused Nos.1 and 2 are to be enlarged on anticipatory bail with conditions. Therefore, the



appellants/accused Nos.1 and 2 are enlarged on anticipatory bail, but without expressing any opinion on the merits of the case.

9. Accordingly, I proceed to pass the following:

ORDER

- a) The appeal is ***allowed***.
- b) The appellants/accused Nos.1 and 2 are enlarged on bail in the event of their arrest in Crime No.2/2025 of Dharwad DCRE Police Station, registered for the offence punishable under Sections 115(2), 126(2), 352, 351(3), 3(5) of Bharatiya Nyaya Snahta (BNS), 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015, pending on the file of Special Court and II Additional District and Sessions Judge, Dharwad, subject to the following conditions:



- 1) The appellants/accused Nos.1 and 2 shall appear before the trial Court and shall seek for bail within ten days from the date of receipt of a copy of this order.
- 2) The appellants/accused Nos.1 and 2 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.
- 3) The appellants/accused Nos.1 and 2 shall not indulge in the same offence or any other criminal cases, till completion of the trial.
- 4) The appellants/accused Nos.1 and 2 shall not leave the jurisdiction of the Trial Court without prior permission of the Court.
- 5) The appellants/accused Nos.1 and 2 shall not tamper and threaten the prosecution witnesses in any manner.
- 6) The appellants/accused Nos.1 and 2 shall mark their attendance before the



concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m.

- 7) The appellants/accused Nos.1 and 2 shall attend the Court regularly during the trial without fail. If not attend for consecutive two times, it entails cancellation of bail.
 - 8) Violation of any one of the conditions would entitle the prosecution to seek for cancellation of bail.
- c) The order dated 28.11.2025 passed by the II Addl. District and Sessions Judge, Dharwad, in Crl.Misc.493/2025 is hereby set aside.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE