



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

CRIMINAL APPEAL NO. 200158 OF 2026 (U/S 14 (A)-)

BETWEEN:

1. GOUDAPPA
S/O KARIGULI MARAMAKALLA,
AGE : 22 YEARS,
OCC : LABOURER,
2. SIDDU
S/O ANNAPPA NARABOLI,
AGE : 34 YEARS,
OCC : LABOURER,
3. SHIVARAJ
S/O SHIVAMALU NARABOLI,
AGE : 20 YEARS,
OCC : LABOURER,

ALL ARE R/O: RYAVANOOR VILLAGE,
TQ : JEWARGI,
DIST : KALABURAGI – 585 103.

...APPELLANTS

(BY SMT. JAYASHREE BHIMARAYA, ADVOCATE)





AND:

1. THE STATE THROUGH
JEWARGI POLICE STATION,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI.
2. GENU S/O SITU RATHOD,
AGE : 60 YEARS, OCC : FARMER,
R/O: RAVANOOR TANDA,
TQ : JEWARGI,
DIST : KALABURAGI – 585 102.

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1;
NOTICE TO R2 IS HELD SUFFICIENT)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14(a)(2) of SC & ST (PREVENTION OF ATROCITIES) ACT, 1989 READ WITH SECTION 482 OF BNSS/438 OF CR.P.C, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE ORDER DATED 26.03.2026 PASSED IN CRL.MISC.NO.316/2026 ON THE FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE, KALABURAGI AND FURTHER IT IS PRAYED THAT A NECESSARY ORDER BE PASSED DIRECTING THE RESPONDENT-POLICE TO RELEASE THE APPELLANTS ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN FIR NO.16/2026 AND CRIME NO.67/2026 OF JEWARGI POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2), 191(2), 191(3), 115(2), 118(1), 74, 109, 125, 48, 298, 352, 351(2), 190 OF BNS 2023 AND SECTIONS 3(1)(R)(S), 3(1)(W), 2(V), 3(1)(T) OF SC AND ST (PREVENTION OF ATROCITIES) ACT 1989 PENDING ON THE



FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE AT
KALABURAGI IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal though listed for orders as first time matters, however, a perusal of the order sheet would go to show that earlier a criminal petition was filed seeking anticipatory bail wherein notice was issued to respondent No.2 and same was served on him. The order sheet dated 30.04.2026 reflects that respondent No.2 is served and is called out and has remained absent. Accordingly, notice to respondent No.2 was held sufficient.

2. Since, as per the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for short, 'the POA Act'], an appeal lies against the order, in terms of the order passed on 05.05.2026. Criminal Petition earlier filed was permitted



to be converted into an appeal with appropriate amendment. Accordingly, this appeal is filed. Since notice issued to respondent No.2 in the criminal petition was held sufficient, the same is considered in this appeal.

3. Heard Smt. Jayashree Bhimaraya, learned counsel appearing for the appellants and Sri Jamadar Shahabuddin, learned HCGP for respondent No.1. Notice to respondent No.2 is already held sufficient in Criminal Petition No.200492/2026.

4. Smt. Jayashree, taking the Court through the order passed by the learned Sessions Judge, stated that learned Sessions Judge though observed that there is no impediment to grant anticipatory bail, since the complainant does not make out *prima facie* case for applicability of provisions of the POA Act, but, on the count that the stones which were used in the alleged offence were not recovered, and further that the appellants have not appeared before the Investigating Officer, as their presence is necessary for recovery of such



stones, rejected the bail petition holding that no grounds made out to exercise the power under Section 482 of BNSS, 2023. She further submits that there are case and counter case against the parties and the present complaint is filed out of vengeance against the appellants and others. She further submits that the appellants would co-operative with the Investigating Agency and appear before the Investigating Agency whenever they are called upon and give all cooperation in the fair investigation by the police. Accordingly, sought to admit the appellants for anticipatory bail.

5. Refuting the submissions, Sri Jamadar Shahabuddin learned HCGP relies on the objections to the petition and submits that there are allegations that the victims were assaulted with the stones and the stones are yet to be recovered, however as the appellants are not available for the investigation, recovery is still under process. Further submitted that the crime was registered on 14.03.2026 and still under investigation and if the



anticipatory bail is granted there is all possibility of disappearance of evidence and influencing the witnesses which would come in the way of investigation.

6. A perusal of objections filed by the State at paragraph-4 the State has made it clear that, no *prima facie* case made out against the petitioners under the provisions of SC/ST (PoA) Act, 1989. At paragraph-5 the State has stated that the bar as per Section 18 and 18A(i) of the SC/ST (PoA) Act, does not apply to the case on hand at this stage. However, contended that the appellants are required for recovery of stones and sought to dismiss the appeal.

7. Having considered the rival submissions and specific objections at paragraph Nos.4, 5 and 7, this Court is of the opinion that the learned Sessions Judge rejected the bail application only on the count that the stones alleged to have been used in the commission of offence were not recovered. The appellants are ready to submit themselves for investigation before the concerned police



as and when called for and render full cooperation to the Investigating Agency. The apprehension of the State would be taken care by imposing stringent conditions while admitting the appellants on anticipatory bail. As no specific case has been made out *prima facie* for applicability of the provisions of POA Act, as observed by the learned Sessions Judge there is no impediment for admitting the appellants to anticipatory bail as the other offences alleged are neither punishable with death nor imprisonment for life. Further, the order of the learned Sessions Judge depicts that all other accused who were before it were admitted to anticipatory bail except the appellants herein.

8. Considering the submissions, without expressing anything on the merits of the case, the appellants are admitted to anticipatory bail.

9. Accordingly, I proceed to pass the following:



ORDER

The appeal is ***allowed.***

The order dated 26.03.2026 passed in Crl.Misc.No.316/2026 on the file of II-Addl. Dist. & Sessions Judge, Kalaburagi, is hereby set aside, to the extent rejecting the bail petition of the appellants herein.

The respondent-Police are directed to release the appellants on bail in the event of their arrest in Crime No.67/2026 of Jewargi Police Station, Kalaburagi district, subject to the following conditions:

1. The appellants shall appear before the Investigating Officer within 15 days from the date of receipt of a certified copy of this order and appellants shall execute a personal bond for a sum of Rs.1,00,000/- each with one surety for the likesum each to the satisfaction of the investigating officer;
2. The appellants shall mark their attendance before the concerned Investigating Officer



once in a month preferably on 2nd or 4th
Sunday between 10:00 a.m. and 2:00 p.m.
till filing of charge-sheet.

3. The appellants shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons;
4. The appellants shall not tamper with the prosecution witnesses and they shall co-operate with the police for investigation and appear before them whenever called upon;
5. The appellants shall not involve in similar offences in future.

Sd/-
(T.M.NADAF)
JUDGE