



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL APPEAL NO. 200255 OF 2025 (U/S 14 (A))

BETWEEN:

PRASHANTH S/O. KALASAPPA WADDAR,
AGE 19 YEARS, OCC STUDENT,
R/O WARD NO.3, KALAKERI
TQ.TALIKOTI, DIST.VIJAYAPURA – 586118.

...APPELLANT

(BY SRI R S LAGALI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE PSI., KALAKERI PS
REP BY THE ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH – 585103.
2. PARASHURAM S/O MADIVALAPPA BEDAR
AGE 36 YEARS, OCC HOTEL BUSINESS,
R/O KALAKERI, TQ.TALIKOTI
DIST.VIJAYAPURA – 586118.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1)

THIS CRL.A IS FILED U/SEC. 14-A OF SC/ST (PA) ACT, PRAYING TO ALLOW THIS APPEAL SEEKING BAIL AND THEREBY ORDER THE RELEASE OF THE APPELLANT ON BAIL IN SPECIAL CASE NO. 22/2025 (ARISING OUT OF KALAKERI PS CRIME NO. 03/2025) PENDING BEFORE THE HON'BLE II ADDL. DISTRICT AND SESSIONS JUDGE/SPECIAL JUDGE, VIJAYAPURA FOR THE OFFENCES PUNISHABLE U/S 189(2), 191(2) , 191(3), 109, 103(1), 61(2) R/W S. 190 OF BHARATIYA NYAYA SANHITA, 2023 ALONG WITH 3(2) (v), 3(2), (va) OF SC/ST (PREVENTION OF ATROCITIES) ACT.

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Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

Appellant being accused No.5 in Crime No.3/2025 of Kalkeri Police Station, Vijayapura, now pending in Special Case (SC/ST) No.22/2025 on the file of the II learned Additional Sessions Judge at Vijayapura, registered for the offences punishable under Sections 61(2), 189(2), 191(2), 191(3), 109, 103(1) r/w Section 190 of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'] and under Section 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, [for short, 'the SC/ST (POA) Act'], is seeking for grant of bail.

2. Heard learned counsel for the petitioner and the learned High Court Government Pleader for respondent No.1-State. Perused the materials on record.



3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the appellant/accused No.5 is entitled for grant of bail under Section 14-A of SC/ST (Prevention of Atrocities) Act, 1989?"

My answer to the above point is in the '**Negative**' for the following:

REASONS

4. Respondent No.2 filed the first information with Kalkeri police against accused Nos.1 to 7 alleging commission of the offences punishable under Sections 189(2), 191(2), 191(3), 109, 103(1) r/w Section 190 of BNS, 2023, and under Section 3(2)(v) of the SC/ST (POA) Act. The FIR came to be registered and investigation was undertaken. After investigation, charge sheet came to be filed against accused Nos.1 to 7 for the offences punishable under Sections 61(2), 189(2), 191(2), 191(3), 109, 103(1) r/w Section 190 of BNS, 2023 and under Section 3(2)(v-a) of SC/ST (POA) Act. Column No.17 of



the charge sheet discloses that, the accused formed a gang to cause nuisance to the deceased and his family members, even when he requested them not to cause inconvenience and not to tease and harass the female members, they were not heeding to the same. The accused have conspired to cause the death of the deceased. On 19.01.2025 in the early morning at 7:00 a.m., accused Nos.5, 6 and 7 came near the scene of occurrence and later other accused have also joined them. Since the deceased was passing through the scene of occurrence after attending the nature's call, the accused have picked up quarrel with him. Deceased pelted stone against accused Nos.3 and 4 to save his life, and the accused, forming themselves into an unlawful assembly, attacked the deceased. Accused No.1 assaulted with axe, accused Nos.2 and 3 with clubs, accused Nos.4 with rod, accused Nos.5, 6 and 7 kicked with legs. As a result of which, he sustained fatal injuries. Even after causing fatal injuries to the deceased, the accused came to his house



and assaulted CW-18 - the father of deceased and CW-19 - the wife of the informant and caused injuries.

5. It is the contention of the prosecution that, the incident was witnessed by the eyewitnesses. The allegations made against each of the accused including the appellant are serious in nature. The contention of the learned counsel for the appellant is that, the appellant has not used any weapon but only kicked the deceased, cannot be a ground to enlarge him on bail as specific allegations are made that, there was conspiracy, and the accused have formed an unlawful assembly before causing death of deceased.

6. The facts narrated above disclose that, it is a preplanned murder caused by using deadly weapons. As per postmortem report, the deceased had sustained four external injuries, and the death was due to hemorrhage and head injuries sustained. Apart from that, CWs-18 and 19 have also sustained injuries. The trial before the Trial Court has not yet begun. In the meantime, if the appellant



is enlarged on bail, there will be threat to the material witnesses, who are to be examined on behalf of the prosecution.

7. Taking into consideration the nature and seriousness of the offences and the overt act committed by the appellant being part of conspiracy, and also in causing the death of the deceased, and assaulting the injured eyewitnesses, I am of the opinion that he is not entitled for grant of bail. In view of the above, I answer the above point in the 'negative' and proceed to pass the following:

ORDER

The Criminal Appeal is ***dismissed***.

**Sd/-
(RAJESH RAI K)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 11/CT:RJ