

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 05th DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

CRIMINAL APPEAL NO. 100390 OF 2026

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

BETWEEN:

SATTEPPA S/O LAXMAPPA JOGATI
AGE. 31 YEARS, OCC. LEGAL PRACTITIONER,
R/O. MELAVANKI-591307,
TQ. GOKAK, DIST. BELAGAVI.

...APPELLANT

(BY SRI. KIRANKUMAR CHATTIMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY GOKAK POLICE STATION,
REP. BY THE STATE PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-11.

2. VICTIM

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
SRI. MAHANTESH HIEMATH, ADVOCATE FOR R2)

THIS CRIMINAL APPEAL IS FILED 14(A)(2) OF SC/ST ACT, SEEKING TO SET ASIDE THE ORDER DATED 30/06/2026 PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI, IN CRL. MISC NO.853/2026 AND CONSEQUENTLY BE PLEASED TO GRANT ANTICIPATORY BAIL IN FAVOUR OF THE APPELLANT/ACCUSED, IN CRIME NO.67/2026, REGISTERED BY THE SHAHAPUR POLICE AND THE CASE IS PENDING BEFORE III ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI FOR THE OFFENCE PUNISHABLE UNDER SECTION 376 (2)(n), 377, 504, 506 OF INDIAN PENAL CODE AND 3 (1)(s), 3 (1)(w)(i),(ii), 3 (2)(v) OF SCHEDULED CASTES AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) ACT, IN THE ABOVE CASE, IN THE ENDS OF JUSTICE.

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

CORAM: HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

CAV JUDGMENT

This appeal is against the impugned order dated 30.06.2026 passed by the III Additional District and Special Judge Belagavi in Criminal Miscellaneous No.853 /2026 by rejecting the anticipatory bail filed by the Appellant herein/accused in Crime No. 67/2026 registered by the Shahapura Police for the offences punishable under Sections 376 (2)(n), 377, 504, 506 of Indian Penal Code (for short IPC) and 3 (1)(s), 3 (1)(w)(i),(ii), 3 (2)(v) of Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act (for short SC & ST Act).

2. Facts in brief is that,

The complainant/victim filed a complaint before Shahapura Police Station alleging that, she is a married woman, living along with her two children and doing catering business. In the month of January 2024, the accused herein after taking her phone number, visited her house to discuss about catering, at that time the accused has misbehaved with her and also touched her private

parts, despite her resistance, the accused closed the doors, removed her clothes and committed forcible sexual intercourse with her. Further, he has blackmailed her by stating not to disclose the said incident and also threatened her. Thereafter, he continuously committed sexual intercourse with her on various occasions. He took her to the lodges in Belagavi and where, he had committed even unnatural sexual intercourse with her and also forced her to consume alcohol. He took her nude photos and videos for blackmailing her and also abused her by taking her caste, and he also took money from her. Therefore she constrained to lodge a complaint before Shahapura Police Station, which has been registered in Crime No.67/2026 against this appellant/ accused for the alleged offences.

3. After registration of the complaint, the appellant approached before the III Additional District and Session Judge, Belagavi, seeking anticipatory bail. That bail application filed by the accused is came to be rejected,

vide impugned order dated 30.06.2026. Now the accused has before this court seeking anticipatory bail.

4. After filing this appeal, Learned HCGP has entered appearance on behalf of the first respondent and the victim has also entered appearance through her counsel and resisted the appeal.

5. Heard Learned counsel Sri.Kiran Kumar Chattimath for the appellant/accused and Sri Abhishek Malipatil, learned HCGP for respondent/State and Sri Mahantesh S. Hiremath, learned counsel for the victim.

6. Learned counsel for the appellant/accused argued that, respondent No.2 has filed a false complaint against him. He further argued that, accused is innocent of the alleged offence, he is a practicing Advocate at Gokak and he is law abiding citizen. Therefore, false case is foisted by respondent No.2 against him.

7. The learned counsel for the accused has also filed the case against respondent No.2 herein on 22.05.2026, which was registered in Crime No.117/2026

for the offences punishable under Section 189(2), 191(2) to 308, 351(2), 190 of Bharatiya Nyaya Sanhita (for short BNS) 2023, before the Gokak Rural Police Station by alleging that, the complainant and this accused are well known to each other since 2017. When he was studying in B. V. Bellad Law College at Belagavi, he used to reside in BCM hostel and intended to do part time job. At that time, he and complainant met each other. He worked under the complainant in catering business to assist the complainant and she used to make payment to him. She raised a hand loan of ₹5,00,000/- from the accused since 2018 to 2022 and when, he asked the repayment of the said loan, the complainant refused to pay back same and also black mailed by stating that, she will be going to file a false case against him, if he asked for repayment of the said loan and accordingly, she filed the complaint against him which is registered in Crime No.67/2026.

8. It is further argued that, the allegation in the complaint filed by the respondent herein, which is registered in Crime No.67/2026 before Shahapura Police

Station are all false. He has not committed any offence as alleged by her. There is no prima-facie case made out against the accused in the complaint filed by her and as per the complaint, the alleged incident is said to have taken place in the month of January 2024. However, she has filed the complaint on 11.05.2026 i.e., after the lapse of more than 02 years for filing the complaint. The reasons for the delay is also not properly explained by the complainant. The entire allegations leveled against him are all false and fabricated only in order to implicate him in a false crime. He is the only earning member in his family and he has no criminal antecedents. Hence, learned counsel for appellant prayed for granting anticipatory bail to the accused.

9. On the contrary, learned HCGP submitted that, this accused since January 2024 repeatedly had sexual intercourse with the complainant by taking advantage of the helpless position of the woman. Though he knew that, she was a married woman, despite her resistance he continuously exploited her, he compelled her to come

along with him to different lodges and hotels in Belagavi where he had repeatedly subjected her to sexual acts against her wishes, he also forced her to consume alcohol and humiliated her and also abused by taking her caste. As provided under the Statute, Section 18 and 18A of SC & ST Act, he is not entitled for anticipatory bail. Hence, learned HCGP prayed for dismissal of the appeal.

10. On behalf of the victim also, it is argued that, the appeal itself is not maintainable in view of the statutory embargo contained in Section 18 and 18A of SC & ST Act. There are prima-facie materials to show that, this accused had committed the offence and thereby, he is not entitled for anticipatory bail. The FIR contains detailed, specific and consistent allegations regarding repeated rape, unnatural sexual assault, criminal intimidation, extortion and caste based humiliation and the court is required to examine Whether a prima facie case exists or not only during the trial.

11. Because of the repeated threat and sexual harassment, there is a delay in filing the complaint and she has fully explained about the delay in filing the complaint. She has not raised any loan from the accused and it is only an afterthought to take anticipatory bail. The appellant is an Advocate by profession. He is well acquainted with the procedure. The investigation is at a crucial stage and there are call records, WhatsApp messages, digital photographs, phone pay transactions the appellant threatened the complainant/respondent to an extent of killing her and her husband and children. If bail is granted to the accused, then there is serious apprehension about the life threat of the complainant and she may be further exploited. Therefore, learned counsel for respondent/victim prayed for dismissal of the appeal.

12. Looking into the allegations in the complaint filed by the victim/respondent No.2, as there are serious allegations made against this appellant and having regard to the objections filed by the respondent No. 1 as well the victim/respondent No.2, and looking into the gravity of the

offence as it is alleged that, the appellant has committed the offence punishable under Section 376(2)(n), 377 of IPC as well the offences under the SC & ST Act, further it is stated that there are private videos, Phone pay transactions, financial records, lodge registers, digital photographs, WhatsApp messages, all these have to be investigated by the Investigating Officer and further, as the allegation against the accused/appellant is serious in nature, for these reasons this Court is of the opinion that, the accused/appellant is not entitled to grant anticipatory bail. Accordingly, this Court proceeded to pass the following order.

ORDER

The appeal is **dismissed**.

**Sd/-
(RAJESHWARI N.HEGDE)
JUDGE**

KKP
CT-CMU