



**IN THE COURT OF THE II ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI AT:BELAGAVI**

PRESENT

**SRI. GANGADHARA.K.N., B.A.,LLM.,
II ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI**

Dated this the 2nd day of July, 2026

Crl.Misc.No.779/2026

1) Afjal S/o. Ameen Bankapure(A-3)
(Arrayed as A-4 in FIR)
Age: 20years, Occ: Tiles fitting work,
R/o: 5th Cross, Tippu Sultan Galli,
New Gandhi Nagar, Belagavi,
Now residing at: Besides left side of 6th Cross,
Ujwal Nagar, Belagavi.

..Petitioner

(By Shri. R.K. Hanasi, Advocate)

The State of Karnataka,
Rep. by Public Prosecutor, Belagavi
Through Market P.S.

..Respondent

ORDER

The accused no. 4 in the Market PS Crime 01/2026 registered for the offences punishable under Section 189(2), 191(2), 191(3), 126(2), 109, 118(1), 115(2), 352, 351(3) r/w. section 190 of BNS Act and Section 27B of NDPS Act, has approached this court by filing an application under Section 483

of BNS by seeking the regular bail. In fact, in the charge sheet their status has been changed and his rank is shown as Accused no.4. As some of the accused in the said case are minors, case against them got split up, as they are to be tried before the Juvenile Justice Board.

2. **Brief facts of the prosecution case is as under:**

In this case a complainant Ayan Nazir Nadaf lodged a complainant with the Market PS by alleging that on 03.01.2026 at 08.30 p.m. he and his friends were at Maali Galli to watch the Sandal in the Katalsha Darga. When they were sitting, its the child in conflicts with law (CCWL) named Addu came there, was staring at Iliyas, upon questioning for said staring look, its the said CCWL allegedly uttered that 'you had fight with me, but today I will not spare you'. However, the public in the spot have pacified their scuffle, made the said CCWL to leave the place, accordingly who left the scene by causing threat that will not spare you. However the complainant, his friend Iliyas and his friends were proceedings near Old PB Road, near Shet Petrol

bunk, by the time its CCWL, Shabir Khazi, Ahmed Nayakawadi, Afzal @ Babbus Bankapure(petitioner), Mohmmmed Mehboob Mulla, Nawaz, Jaffer Sadiq Bijgarni and 5-6 others were there with the Auto rikshaw and in two motor cycles by holding sickle, Talwar and caused unlawful restraint, by the time Iliyas friends were fled from scene, thereafter its the CCWL and others pulled down the complainant and his friend, assaulted by using the dangerous weapons discriminately, caused grievous injuries, the by-passers who came there rescued them, thereafter the assailants were left from the scene with warning that somehow escaped today, will not miss you on next time. Thereafter injured Iliyas was shifted to the District Hospital for treatment.

3. The accused contended that he is an innocent of the offence. He has been falsely implicated in this case. There are no reliable material to connect his name into the alleged offences. He has been wrongly implicated and arrested, kept behind the bar since quite a long time. He is an young man who is aged about 20 years. He is a permanent resident of Belagavi.

4. Further he contended that in this case investigation has already been completed, charge sheet has been filed and even case has been committed to this court and only charges has to be framed and trial has to be commenced. Thus, question of tampering the prosecution material or fleeing away from the jurisdiction of this court do not arise.

5. He contended that there is no materials to invoke section 109 of BNS, though offences are non-bailable in nature, but they are not punishable with death or imprisonment for life exclusively. Hence, sought the regular bail by imposing any condition which deems fit in the interest of justice and equity.

6. The learned PP filed objection opposing the application on the ground that the petitioner herein has committed heinous offence, as they by using dangerous weapons made an attempt to commit the murder. There are sufficient materials to connect the accused into the offence and his name is shown in FIR itself, and there is a specific overt-act. If the accused is released on bail, he may likely to commit similar offences. He may likely to

remain absconded. He may likely to commit similar offences. Moreover, bail application of the similarly placed accused came to be dismissed by this court. Thus, on the ground of parity also, the petition filed by the petitioner is deserves to be dismissed. Thus, prays to reject the same.

7. Heard the arguments of learned counsel for the petitioner and learned PP.

8. Now the following point will arise for my consideration.

Does the petitioner who is the accused no. 3, as per the charge sheet is made out the grounds to grant regular bail as sought in the petition?

9. My findings to the above noted points are in the Negative for the following;

REASONS

10. **Point No.1:** Firstly, the name of the petitioner has been specifically stated in the complaint and even his specific overtact also been categorically described. He along with other henchmen by using a dangerous weapons to take away the life of the

complainant and his friends have assaulted and caused grievous injuries. If the passerby were not intervened, the situation would have been different. The incident was not taken place on sudden provocation. It was an organized offence. Such an offences are required to be viewed very seriously, as any lenient view on the person like petitioner herein would send a wrong signal to the society. Of course the petitioner is young. Of course, there is a point in the arguments addressed by the learned counsel for the petitioner that he is in judicial custody since from the date of first remand and he is a young man. But that do not alone grounds to enlarge him on regular bail. As the idea evolved in their mind to commit heinous offence by organizing a team is required to be curbed at the bud. Otherwise, if such an idea is allowed to be expanded, that will be a threat to the society.

11. In fact, this court sensed there is a threat even to the life of the petitioner. And if he is released on bail, even he may likely to commit similar offences. He may likely to remain absconded, only with intent to delay the trial. Thus, this court felt, in any reason, the petitioner do not entitle for bail in the hands of this

court at this stage. Moreover, the similar application filed by the similarly placed accused had been dismissed by this court. In that event, this court found no reason to entertain the petition filed by this petitioner. Accordingly, answer the point in the Negative.

12. In the result, I pass the following:

ORDER

The petition filed by the petitioner under Section 483 of BNSS is dismissed as no merits.

(Dictated directly on Adalat AI, corrected by me, then pronounced in the open Court, on this **20th day of June, 2026**)

(GANGADHARA.K.N.)
II Addl. Dist Judge, Belagavi.