



**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 9th day of June, 2026

Crl.Misc.No.780/2026

1) Prashant @ Basavaraj S/o. Shankareppa @ Shankar
Kalli (A-2)

Age: 28 years, Occ: Agriculture,
R/o: Avaradi road, Yettinkeri,
Kittur, Tq: Kittur, Dist: Belagavi.
(mentioned in FIR as R/o: Mallapur, Tq: Kittur,
Dist: Belagavi.)

2) Dharshan @ Darshan S/o. Basavaraj
Shivallinganavar(A-3)

Age: 20 years, Occ: Agriculture,
R/o:Shivalinganavar Oni,
Veerbhadrha Nagar, Belgaum.
(mentioned in FIR as R/o: Mallapur, Tq: Kittur,
Dist: Belagavi.)

3) Praveen S/o. Maharudrappa @Marudrappa
Matanavar(A-5)

Age: 28 years, Occ: Agriculture,
R/o: 1451, Attinkeri, Kittur,
Tq: Kittur, Dist: Belagavi.
(mentioned in FIR as R/o: Mallapur, Tq: Kittur,
Dist: Belagavi.)

.... Petitioners

(By Shri. V.M. Ichhanghi, Advocate)

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

..Respondent

ORDER

Accused no. 2, 3 and 5 in Kittur P. S. Crime No. 142/ 2026 registered for the offences punishable under Section 115(2), 109, 352, 351(2) r/w. Section 190 of BNS filed the present petition under Section 482 of BNSS by seeking the pre-arrest bail on the following grounds: .

2. The petitioner's case is that one Prajwal Prakash Mettin lodged his complaint dated 15.05.2026 alleging that on 12.05.2026 at 11.30 p.m., he and his friend one Prasad Irappa Lakkundi went to Gajaraja hotel at Kittur to have a dinner. Thereafter they came out. Near the hotel, they found accused in this case namely Prasant Shankarappa Kalli, Darshan Basavsraj Shivalinganavar of Mallapur Village, Shekhar Kumar Adinavar, Vinayak Gangayya Sampagavi Math, Praveen Maharudrappa Mattannavar of Chanapura Village were quarreling with Ningaraja Manjunath Paravannavar. The complainant and his

friend went and pacified the same. By the time, the accused in this case have abused them in vulgar language and questioned their authority for intervening in the said quarrel, even abused and assaulted. However, by escaping from their attack, came near Mahi Palace Dhaba of Channapur village, they were standing in an open land. The accused chased them and picked up a quarrel. Though the complainant and his friend have requested not to quarrel with them, as they are innocent, but abused them in vulgar language, assaulted on them. By that time, the accused Shekhar Kumar Adinavara, with intent to commit a murder, with a knife stabbed on the neck of the complainant's friend Prasad Irappa Lakkundi. When the complainant went to rescue him, but on him also attempted to stab him, as brought his left hand, from which he suffered to stab injury to his left hand. By the time, their villagers came there, by watching the same, left the scene with warning that 'today somehow both of you escaped, will not leave you on next meeting'. Thereafter, the injured Prasad Irappa Lakkundi has been shifted to Kittur Government Hospital. From there, he was

referred to District Hospital, Dharwad. From there, he was shifted to SDM Hospital. Thus, sought an action for committing the aforesaid offence.

3. But the petitioners contended that they are innocent of the offence. They have been falsely implicated in this case. The ingredients of the complaint do not really suggest the invoking Section 109 of BNS. There are no specific over-tact against the present petitioners who are the accused no. 1, 2, 3 and 5. Absolutely there are no motive to commit any such offence. Though offences are non-bailable in nature, but not punishable with death or imprisonment for life. Injured is being discharged from the hospital. Injury is not caused to any vital part of the body. The petitioners are permanent resident of Kittur village. They are having both movable and immovable properties. They are the only bread earners to their respective family. They are ready to furnish a surety to the satisfaction of this Court. As arrest would definitely cause a serious injury and hardship to their life and reputation, thus prays to allow the petition.

4. Learned PP filed objection opposing the application on the ground that firstly, the names of all the petitioners are shown in the complaint and in FIR. The petitioners and others made an attempt to commit murder of the complainant and his friend, caused serious injury by stabbing on the neck and since the date of arrest, they remained absconded. And all the petitioners are neighbouring villagers of the complainant and another injured. If they are released on pre-arrest bail, they may likely to commit similar offence. They may going to cause threat or intimidation to the prosecution witnesses. Thus, they do not deserves any leniency in the hands of this Court. Thus, prays to dismiss the petition.

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

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

Does the petitioners are made out the grounds to admit them on pre-arrest bail as sought in the petition?

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

REASONS

8. Firstly, the petitioners in their arguments vehemently contended that there are no specific overtact against these accused and the act of the petitioners herein do not really falls within the definition of attempt to murder. As they are facing threat of arrest, thus sought the pre-arrest bail on various grounds. But the point which requires to be considered here is that the incident was not taken in the first place of meeting. When the present petitioners and two others were started to assault on the complainant and his friend, they allegedly fled from the scene to escape from their attack. However, these petitioners and two others were chased them and attacked on them, assaulted with their hands, abused them in vulgar language. Among the five who chased the complainant and his friend, it is accused no. 1 who with intent to commit a murder stabbed on the vital part of the complainant's friend which is a neck. When the said person also attempted to stab on the

complainant, when he brought his left hand on him, he suffered a serious stab injury. However, they left the complainant and his friends when the villagers of the complainant came to the spot to rescue them. If these aspects are considered, if at all the present petitioners and two others were not having any intention to commit offence, why would they chase them? This question will require to be answered in the trial. However, by considering the nature of offence which is punishable upto life, secondly, such an offence cannot be taken very leniently. Otherwise, that will send the wrong message to the society. As rightly contented by the learned PP, firstly, the release of these petitioners on pre-arrest bail, definitely will motivate them to commit similar offences. They may likely to remain absconded. They may not co-operate with an investigation agency. Thus, in any angle, the petitioners herein are entitled for pre-arrest bail. And this Court felt it is not a fit case to exercise the discretion to enlarge them on pre-arrest bail. Thus, their petition deserves to be dismissed. Accordingly, answer the point in the negative.

9. In the result, I pass the following:

ORDER

The application filed by the petitioners under Section 482 of BNSS is dismissed as no merits.

(Dictated directly on Adalat AI, corrected by me, then pronounced in the open Court, on this **9th day of June, 2026**)

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