

KABG010047202026



KABG010047942026



KABG010048182026



KABG010049292026



**IN THE COURT OF PRL. DISTRICT & SESSIONS JUDGE,
AT BELAGAVI**

DATED THIS THE 16th DAY OF JUNE, 2026

**PRESENT: SHRI MANJUNATH NAYAK,
B.A.L. LL.B.,
Prl. District & Sessions Judge,
Belagavi.**

Crl.Misc.No.845/2026

Crl.Misc.No.860/2026

Crl.Misc.No.873/2026

Crl.Misc.No.892/2026

Petitioners in Crl.Misc.No.845/2026:

1. Sri Vivek S/o Chandrakant Patil
Age: 31 years, Occ: Cable Operator,
R/o: H.No.53, Tangadi Galli,
Belagavi.
2. Sri Prashant S/o Mahadev Chavan
Age: 38 years, Occ: Business,
R/o: H.No.5/2, Kapileshwar Galli,
Belagavi.
3. Sri Nitin S/o Rajaram Chavan
Age: 36 years, Occ: Business,
R/o: 2nd Cross, Gayatri Nagar,
P.B. Road, Belagavi.

4. Sri Digambar S/o Nagesh Patil
Age: 26 years, Occ: Pvt. Service,
R/o: CCB No.456, Shivshakti Nagar,
Angol, Belagavi.
5. Sri Mayur S/o Raju Ghadi
Age: 26 years, Occ: Nil,
R/o: H.No.1372, Basavan Galli,
Shahapur Belagavi.

(By Sri P.S. Yadav, Advocate)

Petitioners in Crl.Misc.No.860/2026:

1. Sri Rabiul Gaze S/o Rahul Amin Gaze
Age: 29 years, Occ: Gold smith/Business,
R/o: South Gola Hatpur, Barahipur,
Horimul, South 24 Paragana,
West Bengal,
Now at: C.T.S. No.112/C3,
Dane Galli, Shahapur,
Belagavi, Pin- 5900903.
2. Sri Ali Husain S/o Kabiruddin Mandal
Age: 27 years, Occ: Gold smith/Business,
R/o: Madhavpur, Tarakeshwar,
Dist: Hoogli, West Bengal,
Now at: Bharat Nagar, Shahapur,
Belagavi, Pin-590003.

(By Sri M.I. Mulla, Advocate)

Petitioner in Crl.Misc.No.873/2026:

Sadik S/o Abdul Rehman Torgal
Age: 37 years, Occ: Auto driver,
R/o: H.No.1659, Alwan Galli,
Shahapur, Belagavi, Pin-590003.

(By Sri S.M. Gorikhan, Advocate)

Petitioner in Crl.Misc.No.892/2026:

Sri Sachin S/o Lumanna Patil
Age: 38 years, Occ: Pvt. Service,
R/o: 2nd Cross, Mahadavar Road,
Belagavi.

(By Sri P.S. Yadav, Advocate)

Vs.

**Common Respondent
in all the petitions:**

The State of Karnataka,
By Khanapur Police Station,
Belagavi District.

(By Public Prosecutor, Belagavi)

ORDER

The petitioners in Crl.Misc.No.845/2026, Crl.Misc.No.860/2026 and Crl.Misc.No.873/2026 have filed the petitions under Section 483 of Bharatiya Nagarik Suraksha Sanhita ('BNSS' for short) seeking regular bail and petitioner in Crl.Misc.No.892/2026 has filed the petition under Section 482 of BNSS seeking anticipatory bail in respect of Crime No.146/2026 of Khanapur police station. Since all these petitions are outcome of same FIR, they are taken for disposal through this common order.

2. The learned Public Prosecutor has filed detailed objections to all these petitions, along with report of the Investigating Officer.

3. I have heard the arguments of both the parties.

4. The points that arise for my consideration are:

1. **Whether the petitioners in Crl. Misc. No.845/2026, Crl.Misc.No.860/2026 and Crl.Misc.No.873/2026 are entitled for liberty of bail?**

2. **Whether the petitioner in Crl.Misc.No. 892/2026 is entitled for the anticipatory bail?**

5. My answer for the above points is '**in the Affirmative**', because of my below discussed reasons:

REASONS

6. On the basis of the complaint lodged by one S.K. Ibadul, Khanapur Police have registered a FIR in Crime No.146/2026 by alleging that, the accused persons have committed the offences punishable under Sections 310(2), 310(4) and 312 of Bharatiya Nyaya Sanhita ('BNS' for short) and Sections 25 and 27 of Arms Act. It is alleged in the complaint that, on 20.05.2026 the complainant and his friends, one Rabiul Fazi and Ali Hussain Mandal were proceeding from Belagavi towards Goa. At about 5.45 a.m. they left Balagavi and they were going in their car on Belagavi-Chorla road and when they crossed Belur cross at about 6.45 p.m. two cars overtook their vehicle

and blocked their car and about seven persons got down from their car and asked the complainant and his friends to get down from their car. It is further alleged in the complaint that those persons have shown pistol and knife to the complainant and other two persons with him and assaulted them and asked them to handover the amount and gold with them. Those persons have snatched the amount of Rs.30,000/- from the complainant and also snatched the amount from Rabiul Fazi and Ali Hussain Mandal, who were with the complainant. Thereafter, those persons asked the complainant to handover the gold to them. When Rabiul told those persons that, he will bring the gold from Belagavi, four among those persons took the complainant in their car and thereafter, Rabiul Fazi and Ali Hussain Mandal came to the spot and handed over two golden bangles and gold biscuits to those persons. Thereafter, those persons have threatened the complainant and left them. It is further alleged that those persons have snatched an amount of Rs.30,000/- from the complainant and Rs.50,000/- and gold weighing 255 grams from Rabiul and an amount of Rs.20,200 and gold worth Rs.30,00,000/- from Ali Hussain and robbed them.

7. The FIR was registered against the unknown persons. During the course of investigation, respondent police found that Rabiul Fazi and Ali Hussain Mandal, who were with the complainant in his car, were involved in the alleged crime and accordingly, arrested them and shown them as the accused No.1 and 2 and also arrested the accused No.3 to 8 and produced them before the jurisdictional Magistrate. The Investigating Officer has secured the arrested accused persons for police custody for interrogation and after interrogation, again produced them before the Magistrate and thereafter, the accused No.1 to 8 were remanded to the judicial custody. The petitioners in Crl.Misc.No.845/2026, who were named as the accused No.4 to 8 in the remand application and the petitioners in Crl.Misc.No.860/2026, who were named as the accused No.1 and 2 and the petitioner in Crl.Misc.No.873/2026, who is named as accused No.3, have filed petitions seeking regular bail. The petitioner in Crl.Misc.No.892/2026, who filed the petition seeking anticipatory bail, is not named as accused in the remand application. However, apprehending his arrest, he filed the petition under Section 482 of BNSS seeking anticipatory bail.

8. Names of these petitioners were not found in the FIR as accused persons. In fact, the names of accused No.1 and 2 were shown as the victims in the FIR by alleging that the other accused have also assaulted them and snatched the amount and gold from them. But, the respondent police claims that subsequently, it is revealed that they were conspired with other accused to commit the alleged crime.

9. There is delay in lodging the complaint. The alleged incident of dacoity and robbery has taken place on 20.05.2026 at about 6.45 p.m., whereas, the complaint was lodged before the Khanapur police on 23.05.2026 at about 2.15 p.m. There is delay of about 3 days in lodging the complaint. In the criminal cases, delay in lodging the complaint is not fatal to the prosecution, if the delay is properly explained. In this case, no such proper and satisfactory explanation is forthcoming for the delay of 3 days in lodging the complaint. It has been simply stated in the complainant that since the accused have threatened the complainant, he has not lodged the complaint immediately. When the alleged incident of dacoity and robbery taken place and huge amount and gold ornaments alleged to

have been robbed, there was no reason for the complainant to keep quit for 3 days before lodging the complaint. It is pertinent to note here that, the persons, who were with the complainant at the time of alleged incident and who have shown as victims of the crime in the FIR, were subsequently made as accused persons. These factors, coupled with delay of 3 days in lodging the complaint, will create some doubt in the mind of this Court about genuineness of the complaint.

10. At this stage, the respondent police have not produced any prima facie material to show that the accused No.1 and 2, who were with the complainant in his car, were made conspiracy by colluding with the other accused, to commit the alleged crime. Except so called voluntary statement, no such prima facie materials are produced at this stage to show the conspiracy between these accused persons in order to commit the alleged crime.

11. As per the remand application, the accused No.1 and 2 were arrested on 25.05.2026 at about 10.15 p.m. at Belagavi, whereas, the arrest of the accused No.3 to 8 is shown as the same time at Sangli. It is not explained as to how the arrest of the accused No.3 to 8

can be made at the same time when their role was revealed after the arrest of the accused No.1 and 2 and after recording their voluntary statement. All these aspects also create huge doubt in the mind of this Court regarding entire case set up by the prosecution.

12. The learned counsel for the petitioners vehemently argued before me that after the arrest of the accused, the ground of arrest and reason for arrest has not been explained to them. Therefore, the arrest and detention itself appears to be illegal and on that score also, the petitioners are entitled for bail. In this regard, the learned counsel for the petitioners has relied upon a decisions of the Hon'ble Supreme Court reported in **2024 Cri.L.J. 2450 (Prabir Purkayastha vs. State [NCT of Delhi])**. As per the ratio laid down in the above decision, if the ground of arrest and detention is not explained to the accused, the arrest itself would become illegal and the accused will be entitled for bail.

13. Even though the respondent police have produced the material to show that the accused No.4 Vivek Patil involved in other cases, there is no allegations against the other accused persons about their involvement in any other criminal cases. Even involvement of the

accused No.4 is in other private offence. None of these accused persons are involved in any offence like dacoity and robbery to say that they are habitual offenders. The documents produced by the petitioners go to show that the accused No.4 Vivek Patil has got serious health issues and he has undergone operation recently. The accused No.8 is suffering from serious health issues as per the medical records.

14. The Investigating Officer has obtained these accused for the police custody and within 01 day, he has produced them back before the Magistrate and subsequently, they were remanded to the judicial custody. So, these accused persons are not required for any further custodial interrogation.

15. So far as the petitioner in Crl.Misc.No.892/2026 is concerned, though his name is not shown as accused in remand application, the recitals of the remand application refers his name as one of the persons accompanied the other accused at the time of commission of alleged crime. Therefore, his apprehension of arrest can be accepted in order to grant anticipatory bail to him.

16. Even though the alleged offences are triable by the Court of Sessions, they are not punishable with capital punishment. These accused persons are not required for any further custodial interrogation. The accused persons are the residents of Belagavi. The objections of the respondent police can be dealt with by imposing conditions, so that, their release on bail and granting of anticipatory bail to the petitioners will not cause prejudice to the prosecution case. Considering all these aspects, I hold that, the petitioners in Crl.Misc.No.845/2026, 860/2026 and 873/2026 are entitled for bail, where as petitioner in Crl.Misc.No.892/2026 is entitled to anticipatory bail. Accordingly, by answering the above points **in the affirmative**, I proceed to pass the following order:

ORDER

The petitions Crl.Misc.No.845/2026, 860/2026 and 873/2026 filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, are allowed.

The petitioners in Crl.Misc.No.845/2026, 860/2026 and 873/2026 are ordered to be released on bail in respect of Crime No.146/2026 of Khanapur police station, on executing a self

bond for Rs.50,000/-each with **TWO SURETIES** for like sum, subject to conditions mentioned below.

The petition in Crl.Misc.No.892/2026 filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, is allowed.

The petitioner in Crl.Misc.No.892/2026 is granted with anticipatory bail.

In the event of his arrest in respect of Crime No.146/2026 of Khanapur police station, the petitioner in Crl.Misc.No.892/2026 shall be released on bail on executing a self bond for Rs.50,000/- with **TWO SURETIES** for like sum, subject to following conditions:

- 1) All the petitioners shall appear before the Investigating Officer on every Sunday in between 10.00 am., to 4.00 pm., for the period of two months from this day or till the filing of charge sheet, whichever is earlier.
- 2) All the petitioners shall not indulge in threatening the prosecution witnesses and tampering the prosecution evidence.
- 3) All the petitioners shall co-operate the investigating officer for the investigation of this case.

Office to keep the original order in the file of
Crl.Misc.No.845/2026 and signed copy of the
same shall be kept in the file of
Crl.Misc.No.860/2026, 873/2026 and 892/2026.

(Dictated to the Stenographer Grade-III, transcribed, computerized and print
out taken by her, corrected, signed and then pronounced by me in the Open Court
on this the **16th day of June, 2026**)

(Manjunath Nayak)
Prl. District & Sessions Judge,
BELAGAVI.