



(By Public Prosecutor, Belagavi)

ORDER

Apprehending his arrest in respect of Crime No.344/2026 of Saundatti Police Station, petitioner has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita and sought the anticipatory bail.

2. The learned Public Prosecutor filed detailed objections to this petition.

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

4. The point that arises for my consideration is:

“Whether the petitioner is entitled for the anticipatory bail?”

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

REASONS

6. On the basis of the complaint lodged by Smt. Shaheeda Babusab Tahsildar, Saundatti Police have registered a FIR in Crime No.344/2026 by alleging that, the accused has committed the offences punishable under Sections 109(1), 115(2), 351(3) and 352 of Bharatiya

Nyaya Sanhita ('BNS' for short). It is alleged in the complaint that, the complainant's son and the accused were known to each other and they are doing mason work together. On the day of Bakrid, they got a mobile phone and in respect of the said mobile phone, there was quarrel between them. On 31.05.2026 at about 11.30 p.m. when the complainant's son was near Aksha Masjeed, Munavalli, accused called him over the phone and asked him came out of the Masjeed and asked about the mobile phone. The accused quarreled with the complainant's son, abused him with filthy language and stabbed him with knife on his hand and back and posed threat to kill him. The petitioner, who is named as the accused in the complaint and FIR, has filed this petition seeking anticipatory bail.

7. The complaint averments goes to show that the petitioner and the injured were friends and subsequently, silly dispute arose between them in respect of a mobile phone, which they got on the day of Bakrid. It is alleged that the petitioner has stabbed the injured with knife. The complainant is not an eyewitness for the alleged incident. At this stage, the materials on record do not indicate

that the petitioner had the intention to murder the injured in order to attract the offence under Section 109 of BNS. All other alleged offences are bailable in nature and triable by the Court of Magistrate.

8. Even though the alleged offence under Sec.109 of BNS is triable by the Court of sessions, it is not punishable with capital punishment. The petitioner is the resident of Munavalli village in Saundatti taluk. The petitioner is not required for any custodial interrogation. The objections of the respondent police can be dealt with by imposing conditions, so that, the granting of anticipatory bail to the petitioner will not cause prejudice to the prosecution case. Considering all these aspects, I hold that, petitioner is entitled for anticipatory bail. Accordingly, by answering the above point **in the affirmative**, I proceed to pass the following order:

ORDER

The petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, is allowed.

The petitioner is granted with anticipatory bail.

In the event of his arrest in respect of Crime No.344/2026 of Saundatti police station,

the petitioner shall be released on bail on executing a self bond for Rs.50,000/- with **ONE SURETY** for like sum, subject to following conditions:

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

(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 **20th day of June, 2026**)

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