

KABG420009152026



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc.,L.L.B,
VII Addl. District & Sessions Judge,
Belagavi sitting at Chikodi.

Dated this the day of 16th June, 2026

Crl. Misc.No. 5310/2026

PETITIONER/S

1. Shri. MohammadYasin Shoukatali
Patil, Age: 59 years,
Occ: Job,
R/o: Attar galli, Raibag, Tq: Raibag,
Dist: Belagavi. (A-1)
2. Smt. Rahila MohammadYasin Patil,
(as per FIR Rayala Mohammad
Yasin Patil)
Age: 37 years,
Occ: Household,
R/o: Attar galli, Raibag, Tq: Raibag,
Dist: Belagavi. (A-2)
3. Shri. Mohammadgapur Shoukatali
Patil,
(As per FIR Mahammadgafur
Shoukatali Patil,
Age: 66 years,
Occ: Business,
R/o: Attar galli, Raibag, Tq: Raibag,
Dist: Belagavi. (A-3)

4. Smt. Jakiya Mohammadgapur Patil,
(as per FIR Jakiya Mahammadgafur Patil, Age: 29 years,
Occ: MBBS doctor,
R/o: Attar galli, Raibag, Tq: Raibag,
Dist: Belagavi. (A-4)
5. Kum. Ayisha Mohammadgapur Patil,
(as per FIR Kum. Ayesha Mahammadgafur Patil,
Age: 29 years,
Occ: Doctor,
R/o: Attar galli, Raibag, Tq: Raibag,
Dist: Belagavi. (A-5)

[By: Sri. L.K. Iti, Advocate]

v/s.

Respondent:

State by : Raibag P.S.

[By: Public Prosecutor]

**ORDERS ON ANTICIPATORY BAIL PETITION FILED BY
THE PETITIONERS/ ACCUSED NO.1 to 5U/S 482 OF
BNSS, 2023.**

This bail petition filed U/Sec.482 of BNSS by accused No.1 to 5 praying to enlarge them on anticipatory bail in Crime No.178/2026 registered at Raibag Police Station for the offence punishable U/Sec. 118(2), 115(2), 324(4), 352, 351(3), r/w. 3(5) of BNS.

2. The brief facts of the prosecution case as under:-

The Deputy Commissioner, Belagavi has passed an order in favour of the complainant's sister's husband regarding ownership of land bearing Sy.No. 480/3 and 480/4 of Raibg town. In this backdrop there was enmity between the complainant's sister and accused family. When the complainant's sister's husband was ploughing the land on 28-04-2026 at about 11.30 am as per the orders of Deputy Commissioner, accused No.1 to 6 formed an unlawful assembly, criminally trespassed the land belongs to the complainant's sister's husband. Accused No.1 assaulted the complainant's sister's husband on his head and back with stone and causing crushing injuries. Accused No.2 abused the complainant's sister with filthy language, grabbed her air and assaulted on her chest and back with hands. Other accused persons threatened to kill them saying that if they come again in the land they will not let them to go. Thereafter injured were taken treatment in the Raibag hospital and further treatment at Miraj hospital for two days.

Thereafter they have lodged police complaint. Based on the complaint, police registered case and started investigation.

3. The accused persons seeking bail on the grounds that, they are innocent, law abiding citizens, and they are falsely implicated for the alleged offences. The alleged offences are not punishable with death or life imprisonment. They are ready and willing to abide by any conditions imposed by this Court while granting bail. For these reasons, they prayed to allow the petition.

4. Learned Public Prosecutor has filed objections along with I.O. report by reiterating the complaint averments. It is further contended that there are no valid grounds for granting bail and therefore if enlarged on bail, the petitioners may commit similar offenses, abscond from the jurisdiction of the Court, threaten the prosecution witnesses, destroy the evidence and hamper the trial. Among other grounds, learned PP prayed to reject the bail petition.

5. Heard arguments on both sides. The following points that arise for my consideration;-

1. Whether the petitioners/accused No.1 to 5 have made out sufficient grounds to grant bail?
 2. What order?
6. My answers to the above points are as follows:
- Point No.1:-In the affirmative,
- Point No.2:-As per my final order:

:- REASONS :-

7. **Point No.1:-** The Raibag police have registered a case in Cr.No. 178/2026 against the accused for the alleged offense punishable U/Sec. 118(2), 115(2), 324(4), 352, 351(3), r/w. 3(5) of BNS.

8. On perusal of complaint averments even though there is a serious allegation of assault with deadly weapon and disrobing the complainant's sister in a public place, all offences are triable by Magistrate. The accused persons are farmers keeping behind the bar no purpose will be served. It is not the case of the prosecution that custodial interrogation is required in this case. Moreover, prosecution has not produced wound certificate to show that injuries sustained by the complainant's sister and complainant's sister's

husband are serious in nature and they have sustained injuries on vital parts.

9. The Hon'ble Apex Court in the case of Sushila Aggarwal and others V/s. State (NCT of Delhi) AIR 2020 SC 831, it has been held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

10. With the above guideline is applied to the case on hand the petitioners are permanent residents of the address mentioned in the cause title. There is no criminal antecedent against accused. Taking of these aspects, the apprehension

of the prosecution can be met with by imposing some conditions. The principle of presumption of innocence until convicted applies to the facts of this case. It is true that there is apprehension of arrest by the police to the petitioners. Considering the nature of the allegations this is a fit case to exercise discretionary power to grant bail. Hence, I am of the view that the petitioners are entitled for granting anticipatory bail subject to conditions. Hence, I answer point No.1 in the 'Affirmative'.

11. Point No.2:- For the reasons given to point No.1, I proceed to pass the following:-

ORDER

The bail petition filed by the petitioners/ Accused No.1 to 5 U/Sec. 482 of BNSS is hereby allowed.

The respondent police is directed to release the petitioners/accused No.1 to 5 in the event of their arrest in Crime No.178/2026 registered by Raibag police for the offence punishable U/Sec. 118(2), 115(2), 324(4), 352, 351(3), r/w. 3(5) of BNS on executing personal bond of Rs.50,000/-

each with one surety for like sum to the satisfaction of the investigation officer/ Jurisdictional court with the following conditions;

1. The petitioners shall appear before the investigation officer within 30 days from the date of this order to execute bail bond.
2. They shall regularly appear before the court during the trial without fail unless exempted by court for valid reason.
3. They shall not directly or indirectly tamper the prosecution witnesses.
4. They shall co-operate with the Investigation Officer and appear before them whenever called upon.
5. The petitioners shall not involve in similar offence in future.

If the petitioners fail to abide the conditions 2 to 5, the prosecution is at liberty to move for cancellation of bail.

(Dictated to the Stenographer, transcribed and typed by her, corrected by me and then pronounced in the open Court on this the 16th day of June, 2026)

sd/-

(SRI. VIJAY KUMAR)

VII Addl. District and Sessions Judge,
Belagavi, sitting at Chikodi.