

KABG420008932026



**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 11th JUNE, 2026

::Cr1. Misc.No.5299/2026::

PETITIONERS:

1. Rajendra Babu Chougala,
Aged about: 50 years
Occ: Agriculture & Advocate,
R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.
2. Mallappa Irabhadra Chougala,
Aged about: 67 years
Occ: Agriculture,
R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.
3. Irappa Mallappa Chougala,
Aged about: 28 years
Occ: Agriculture,
R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.
4. Savita Kadappa Chougala,
Aged about: 40 years
Occ: Household work,

R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.

5. Laxmi Rajendra Chougala,
Aged about: 45 years
Occ: Household work,
R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.

6. Mahadevi Mallappa Chougala,
Aged about: 58 years
Occ: Household work,
R/o: Goudawad, Tq: Hukkeri,
Dist: Belagavi.

[By: Sri. N. B. Patil, Advocate]

V/s

RESPONDENT: State by
Hukkeri P.S.

[By:Public Prosecutor]

**ORDERS ON BAIL PETITION FILED BY THE PETITIONERS/
ACCUSED No.1 to 6 U/S 482 OF BNSS.**

The petitioners/accused No.1 to 6 have filed this petition under section 482 of BNSS-2023 seeking anticipatory bail to enlarge them in the event of their arrest in Crime No.114/2026 of Hukkeri Police for the offences punishable

U/Sec.189(2), 191(2) 191(3), 115(2), 118(2), 76, 352, 351(3), 126(2), 329(1) and 54 R/w Sec.190 of BNS.

2. The gist of the prosecution's case is that on 20.05.2026 at 7.30 am, the complainant, her husband, and in-laws were engaged in agricultural activities on their land in Goudawad Village. At that time all the accused persons formed an unlawful assembly and trespassed on the land and abused the complainant and her relatives; accused No. 1 grabbed her saree and abused her in filthy language, stating this land was purchased by him. The accused No. 1, being an advocate, dragged the complainant down and kicked her stomach. When the complainant's husband came to rescue his wife, the accused No. 2 was holding him tightly, and the accused No. 1 assaulted him with a club, and both accused provoked the other accused persons to kill him. All the accused, holding the complainant's husband, assaulted him and also gave a life threat, stating that if they again came to this land, they would not leave and would kill them all. After this, the complainant

lodged a police complaint. The police registered the case and began the investigation.

3. The petitioners seeking bail on the grounds that, they have also lodged police complaint against the complainant and her family members it registered in Cr.No.116/2026. It is stated that on 20.05.2026 at about 8.35 am when complainant and her family members blocked right of way in which the accused persons are used to reach their house, the accused No.1 entered into sale agreement agreeing to sell the disputed property by complainant and her family members. When they refused the accused No.1 filed suit in O.S.No.2/2026 pending at Hukkeri civil court. In that regard the complainant on the instigation of her family members filed this false complaint. The present case is only revenge of the said both incidents, there is no allegation against to them. The petitioners are law abiding citizens they are only bread earning of their family and they are ready and willing to offer surety for the satisfaction of this Hon'ble Court and to abide

by all terms and conditions that may be imposed by this Hon'ble Court while granting bail. On these grounds, the petitioners pray that the bail petition be allowed.

4. On the other hand, the learned public prosecutor has filed an objection and submitted that, investigation is under progress, at this stage, if anticipatory bail is granted to the petitioner there are chances of threatening the witnesses and also absconding, the petitioners have not shown sufficient ground to grant bail. Among other grounds, the learned P.P. has prayed to reject the bail petition.

5. I have heard petitioner counsel and Learned P.P .

The following points that arise for my consideration;-

1. Whether the petitioners/accused No.1 to 6 have made out a ground to grant anticipatory 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 final order:

:- REASONS :-

7. **Point No.1:-** At the outset, the respondent police registered the case against petitioners for the alleged offense punishable U/Sec. 189(2), 191(2) 191(3), 115(2), 118(2), 76, 352, 351(3), 126(2), 329(1) and 54 R/w Sec.190 of BNS pending before Prl. Civil Judge and J.M.F.C, Hukkeri based on the written complaint of Mahadevi Basvaraj.

8. The allegation made in the complaint discloses that the accused persons made an attempt to commit disrobe her saree and modesty, and also assaulted her and her husband. The complainant makes serious allegations against the accused persons. However, earlier to lodging this complaint the accused No.1 lodged police complaint two days earlier and also filed civil suit against the complainant and her family members. Might be to take revenge the complaint lodged this complaint. On careful scrutiny of the complaint averments, prima facie, it is disclosed that there was a dispute with respect to property between the complainant and accused family.

9. The alleged offenses are not punishable with death or imprisonment for life. Whether the accused have committed the alleged offence is the matter of investigation. It is not a case of prosecution that, the custodial interrogation of the accused are required in this case. Mere allegations is not sufficient to hold that the accused persons are committed the alleged offenses at this stage. There is no wound certificate or opinion of doctor regarding alleged incident and also no eye witnesses to the incident.

10. 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.

11. In light of the above decision, securing the accused for investigation is the primary objective of the inquiry. The petitioners/accused persons are permanent residents of the Address mentioned in the Cause title. There is no criminal antecedent against them. Considering this aspect 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.

12. It is true that there is apprehension of arrest of the petitioners by the police. Taking into consideration of these facts, this is fit case to excise discretionary power to grant bail. Hence, I am of the view that the petitioners are entitled for granting bail subject to conditions. Hence, I answer point No.1 in the 'Affirmative'.

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

:: ORDER ::

The petition filed by the petitioners/ accused No.1 to 6 Under Section 482 of BNSS is allowed.

The respondent police is directed to release the petitioners/accused No.1 to 6 in the event of their arrest in Crime No.114/2026 registered by Hukkeri police for the offence punishable U/Sec. 189(2), 191(2) 191(3), 115(2), 118(2), 76, 352, 351(3), 126(2),329(1) and 54 R/w Sec.190 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 petitioner No.1 to 6 shall appear before the investigation officer within 20 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. They shall not involve in similar offence in future.

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

(Dictated to the stenographer directly on computer, typed by him, corrected by me and then pronounced in the open Court on this the 11th day of June, 2026)

(SRI. VIJAY KUMAR)

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