

KABG420008542026



**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 10th JUNE, 2026

::Crl. MiSc. No.5276/2026::

PETITIONER: Mallikarjun S/o Krishna Suryavanshi,
Aged about : 24 years,
Occ: Agriculture,
R/o: Kore Tot, Kadapur Village,
Tal: Chikodi, Dist: Belagavi.

[By: Sri. M. S. Huddar, Advocate]

-V/s-

RESPONDENT: State by **Raibag P.S.**

[By:Public Prosecutor]

**ORDERS ON BAIL PETITION FILED U/S 482 OF BNSS,
2023 BY THE PETITIONER/ ACCUSED.**

This bail petition filed U/Sec.482 of BNSS by accused
praying to enlarge him on bail in the event of his arrest in
Crime No.195/2026 registered at Raibag Police Station for the

offence punishable U/Sec.281, 125(a), 105 of BNS and Sec. 185 of Motor Vehicle Act.

2. The gist of the prosecution's case is that, on 11.05.2026 at about 03.00 p.m. The accused was riding his motorcycle bearing registration No. KA-68/J-2090, which was being ridden from Raibag to Ankali Road along with pillion rider Mahadev Yashwant Shirole. While riding the motorcycle, the accused consumed alcohol and rode it at high speed. Near Kalli Cross, due to skidding motorcycles, both riders fell down and sustained severe head injuries. As a result, the pillion rider succumbed on the way to the hospital. The accused, being the rider of the motorcycle, sustained head injuries, and he took treatment. in the hospital. Based on the complaint of the deceased brother, the police have registered the case and begun an investigation.

3. The accused seeking bail on the grounds that, he is innocent, has been falsely implicated on personal grudge. The accident occurred due to the skidding of motorcycle on uneven road surface. He was not intoxicated while riding the

motorcycle and there was no motive or intention to cause death of deceased. Therefore Sec.105 of BNS is not attracted. The petitioner is sole male earning member in his family and alleged offence are not punishable with death or imprisonment for life. The accused is not required by police for the further investigation and he is ready and willing to abide by any terms and conditions that may be imposed by this court. These are all reason pray for allow the application.

4. On the other hand the learned P.P. filed objection along with an I.O. report narrating the incident and pray for reject the bail petition on the grounds that, investigation is not completed and some of the witness statement not recorded. If the accused is release on bail there are chances of absconding, tampering the witness and also prolonged to the trial not appearing before the court. In view of decision of Hon'ble Apex court in the case of Panjab V/s. Surabh Bakshi, Alister Antony Pereira V/s. State of Maharashtra and The State V/s. Sanjeev Nanda, referring the above cases learned P. P., argued that drunken and driving on public road is a

severe criminal offence, with knowledge and intention and has become menace to our society. Everyday drunken and driving results in accident and several human lives are lost, pedestrians in many of our cities not safe. Accordingly, prayed to reject the bail petition.

5. Heard both sides on bail petition. The following points that would arise for my consideration are:

1. Whether the petitioner/Accused has made out grounds 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:-** The respondent police have registered a case in Cr.No.195/2026 against the accused for the alleged offense punishable U/Sec.281, 125(a), 105 of BNS and Sec. 185 of Motor Vehicle Act.

8. The learned counsel for the petitioner/accused argued that, the respondent police falsely implicated the

accused without conducting a proper inquiry. The complainant is not the eyewitness to the accident and he lodged false case against him only on his assumption. The accused was not taken alcohol, therefore, the question of drunk and drive not attracted. He has no criminal antecedents and he is not involved in any case. The accused is willing to comply with any conditions for his release. Accordingly, he request to be released on bail.

9. The prosecution papers clearly establish a prima-facie case against the accused. The alleged offence is punishable U/Sec.105 of BNS which is heinous in nature. Their lordships in the decisions reported in 2010(14) SCC 496 (Prashanth Kumar Sarkar /Vs/ Ashish Chaterji) laid down guidelines to be followed by the court, while disposing the bail petition. The important note whether there is any prima-facie case or any reasonable ground to believe that the accused has committed offence, nature and gravity of the accusation, severity of the punishment in the event of conviction, danger of the accused absconding or fleeing if released on bail. The

materials placed before the court at this stage has made out a prima-facie ground to believe the involvement of the accused in the commission of heinous offence.

10. I gone through the citations referred by the learned PP. The Hon'ble Supreme Court in the case of Alister Anthony Pareira Vs. State of Maharashtra reported in [2012] 2 SCC 648 has examined the issue of applicability of Section 304A and 304-II of the IPC in detail.

11. Another judgment cited by learned PP in a matter of this nature, jail must be a rule as is propounded by the Hon'ble Apex Court in the case of State of Punjab v. Saurabh Bakshi, reported in (2015) 5 SCC 182, and third decision in the case of State through PS Lodhi Colony, NEW DELHI Vs. SANJEEV NANDA, reported in (2012) 8 SCC 450. All these judgments related conviction of the accused after full fledged trial and not related to granting anticipatory or regular bail.

12. Thus, considering prima-facie facts of this case, the factors which are against the accused are that the accused had consumed alcohol and was driving the motorcycle in

excessive speed and the same can be prima facie inferred from the fact that the vehicle had fallen on the road when failed to control it in the result the pillion rider fell down and died in the way of hospital. However, all the above facts will have to be established during in trial. The defence of the accused is that the tires of the vehicle were skidding on the road and the vehicle gone out of his control. He was not intoxicated while driving the motorcycle. The accused also sustained injuries and he was also taken treatment. The facts stated by the prosecution, so also, defence will have to be established during the course of trial to ascertain whether the accused case may fall within Section 304A [Section 106 of BNS] or Section 304 Part II of the IPC [Section 105 of BNS]. The maximum punishment under Section 105 of the BNS is of 10 years and under Section 106 of BNS is of 2 years.

13. The accused is very young age about 24 year studying at Govt First Grade College Raibag. He is young boy of impressionable age and is not criminal, as such, it would not be prudent for the Court to arrest and keep him in

judicial custody where chances are bright that he may come in contact with hardened criminals if he sent to jail after arrest. The apprehension of prosecution can be met with imposing some conditions. Keeping the accused behind bars no purpose will be served. The accused has no criminal antecedents and is not a habitual offender. Under these circumstances, it is appropriate to exercise discretion to grant bail to accused. Hence, I answer point No.1 in the 'Affirmative'.

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

:: ORDER ::

The bail petition filed by the petitioner/ Accused U/Sec. 482 of BNSS is allowed.

The respondent police is directed to release the petitioner/accused in the event of his arrest in Crime No.195/2026 registered by Raibag police for the offence punishable U/Sec. 281, 125(a), 105 of BNS and Sec. 185 of Motor Vehicle Act on

executing personal bond of Rs.50,000/-
with one surety for like sum to the
satisfaction of the investigation officer/
Jurisdictional court with the following:-

:CONDITIONS:

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

(Dictated to the stenographer directly on the computer, typed by her, corrected by me, and then pronounced in the open Court on this day 10th June, 2026).

(VIJAY KUMAR)

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