

KABG420008872026



**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 15th day of June 2026

Crl. Misc.No. 5293/2026

PETITIONERS

1. Shri. Rudrappa Yamanappa Talawar,
Age: 75 years, Occ: Rtd. Service,
R/o: Gotur, Tq: Hukkeri,
Dist: Belagavi.
2. Shri. Deepak Rudrappa Talawar,
Age: 44 years, Occ: Agriculture,
R/o: Gotur, Tq: Hukkeri,
Dist: Belagavi.
3. Smt. Shobha Thaleppa Talawar,
Age: 56 years, Occ: Household work,
R/o: Gotur, Tq: Hukkeri,
Dist: Belagavi.
4. Smt. Kanchana Deepak Talawar,
Age: 34 years, Occ: Household work,

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

[By: Sri. M. B. Maradi, Advocate]

v/s.

RESPONDENT: State by : Sankeshwar P.S.

[By: Public Prosecutor]

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**ORDERS ON ANTICIPATORY BAIL FILED BY THE
PETITIONERS/ACCUSED NO.1 TO 4 U/Sec.482 OF BNSS,**

The petitioners/accused No.1 to 4 have filed this petition seeking anticipatory bail to enlarge them in the event of their arrest in Crime No.107/2026 of Sankeshwar Police Station for the offence punishable U/Sec.189(2), 191(2), 191(3), 324(2), 329(3), 118(1), 115(2), 127(2), 351(2) R/w Section 190 of BNS.

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

Complainant having house property in VPC No.717 of Gottura Village. Towards western side of his house there was a common wall in between his house and accused No.3 house. The accused No.3, who has been demolished the Common wall

without informing the complainant and encroaching on one foot and constructing a building. In this regard the complainant gave complaint to the Panchayath and police, who advised the accused persons. Ultimately the police stated that it is civil matter and go to court settle the dispute. On 24.04.2026 at about 10.50 am the complainant went to the spot along with his son and asked the accused persons to stop the work, then all the accused persons assaulted him and his son with clubs and fisted his stomach, back and face. The accused persons gave life threat by showing axe and Kurupi. Then the complainant called 112 police who came to the spot and rescued them. The Complainant has taken medical treatment at Hospital and subsequently filed a police complaint. Following the complaint, the police registered a case and initiated an investigation.

3. The accused persons seeking bail on the grounds that, there are no specific overact against the accused persons. The allegations are general and omnibus. The

petitioners are the farmers, their detention in judicial custody may lead to undue hardship. There are no criminal antecedents against them and they are law abiding citizens. They are ready and willing to abide by any conditions imposed by this Court while granting bail. For these reasons, he respectfully prayed to allow the petition.

4. The Learned Public Prosecutor filed an objection stating that, investigation is in progress, at this stage if bail is granted to the petitioners, there are chances of threatening the witnesses and also absconding, and there is a possibility of committing similar offences and even more heinous crimes again. The petitioners have not shown sufficient ground to grant bail. Therefore, the Prosecutor 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 4 have made out grounds to grant to 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:-** Upon reading the FIR along with the complaint, it is evident that the complainant and the accused persons are neighbors. The alleged incident occurred when the accused persons and complainant exchange their words about construction building by the accused person after demolishing common wall. The complaint stated that Accused No.1 to 4 assaulted him and his son with club and hands and caused grievous injuries. The complainant had taken treatment on the same day. The alleged offences are not punishable by death or life imprisonment and are triable by a Magistrate.

8. 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.

9. With the above guideline the present case on hand, the petitioners/accused No.1 to 4 are permanent resident 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. It is true that there is apprehension of arrest by the police to the petitioner. It is not the case of the prosecution that custodial interrogation of the accused is required in this case. Taking into consideration of these facts, this is fit case to exercise discretionary power to grant bail. Hence, I am of the view that the petitioner is entitled for granting bail subject to conditions. Hence, I answered Point No.1 in the '**Affirmative**'.

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

:: O R D E R ::

The petition filed by the petitioners/accused No.1 to 4 Under Section 482 of BNSS is allowed.

The respondent police is directed to release the petitioners/accused No.1 to 4 in the event of their arrest in Crime No.107/2026 of Sankeshwara Police Station for the offence

punishable U/Sec. U/Sec.189(2), 191(2), 191(3), 324(2), 329(3), 118(1), 115(2), 127(2), 351(2) R/w Section 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 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.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court on this the 15th day of June, 2026)

(VIJAY KUMAR)

VII Addl. District and Sessions Judge,

Belagavi sitting at Chikodi.