

KABG420009232026



**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 24th day of June, 2026

Crl. Misc.No. 5316/2026

PETITIONERS

1. Akshay S/o. Dilip Koli,
Age: 31 years, Occ: Coolie,
R/o: Neharu Nagar, Ichalkaranji,
Tq: Hatakanagale, Dist: Kolhapur,
State: Maharashtra,
Aadhar No.9611 7491 1206.
- 2 Vishal S/o. Ranjan Kolhapure,
Age: 25 years, Occ: Business,
R/o: Hanuman Nagar, Hindalaga,
Belagavi, Tq & Dist: Belagavi,
Aadhar No.3230 3360 5344.
- 3 Akash S/o. Arjun Belgaonkar,
Age: 28 years, Occ: Coolie,
R/o: Neharu Nagar, Ichalkaranji,
Tq: Hatakanagale, Dist: Kolhapur,
State: Maharashtra,
Aadhar No.5888 4526 9819.
- 4 Aniket S/o. Suresh Sate,
Age: 23 years, Occ: Painting,
R/o: Ichalkaranji,

Tq: Hatakanagale, Dist: Kolhapur,
State: Maharashtra.

[By: Sri. S. S. Karaganve, Advocate]

v/s.

RESPONDENT: State by : Chikodi P.S.

[By: Public Prosecutor]

**ORDERS ON REGULAR BAIL PETITION FILED BY THE
PETITIONERS/ ACCUSED NO.1, 2, 6 AND 7 U/S 483 OF
BNSS, 2023.**

This bail petition filed U/Sec.483 of BNSS by accused persons praying to enlarge them on regular bail in Crime No.179/2026 registered at Chikodi Police Station for the offence punishable U/Sec.310(2) of BNS.

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

The complainant married with Sagar Shivappa Mane and in their wedlock they have two children. Due to family dispute between this spouses the complainant residing with her parental house since 9 months. On 14.05.2026 the complainant went to Savadatti Yallamma Temple with her brother and his brother wife. Later way back of her house the

complainant left his mother at Channamma Circle in Belagavi and they reached Kamatenatti at 09.30. p.m. and staying there. The complainant brother's friend by name Kumar Chougala also slept in the house. On 15.05.2026 at 02.30 a.m. there was loud banging on a milk can outside the house, there was no light at that time. After hearing the sound complainant wake up and her brother was also came holding a mobile light and opened the door. One person suddenly garbed complainant brother's neck and snatched the mobile. Another person held complainant brother's mouth, then four people came, one of them pressed the mouth and neck of her brother's wife. All the 6 people snatched golden mangalasutra from neck of the complainant. One of the person threatened the family members by showing sickle and talawar. When the complainant brother making loud noise all the 6 people fled away from the spot through their motorcycles. In the said incident the complainant, her brother and her brother wife were sustained injuries. Based on the complaint police registered case and arrested the

accused no. 3 to 7 on 21.05.2026, accused no. 1 and 2 arrested on 02.06.2026.

3. The accused persons seeking bail on the grounds that, that police have falsely registered the case against accused persons who are innocent of the crime. The petitioners are the permanent resident of Inchalakaraji, Kolhapur district and petitioner no. 2 is permanent resident of Belagavi they having movable and immovable properties. The police forcibly taken the voluntary statement of the accused persons. The injured not taken any treatment in the hospital. The petitioners are having wife and children and old aged parents and they are only male earning family members. They are ready to abide by any conditions imposed by this court while releasing them on bail. On these grounds the accused prayed to allow the bail petition.

4. Learned Public Prosecutor has filed objections along with I.O. report contending that the alleged offence is heinous in nature and punishable up to 10 years imprisonment or life imprisonment. The investigation officer

recovered the motorcycles based on the voluntary statement and also 12 gram golden mangalsutra as well as sickle and talawar. if the accused released on bail it will affect the society and there are chances of threatening the prosecution witnesses. On all these 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, 2, 6 and 7 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 Chikodi police have registered a case in Cr.No.179/2026 against the accused persons for the alleged offense punishable U/Sec.310(2) of BNS.

8. On perusal of materials available on record which discloses that based on the complaint the police registered the case and arrested the accused persons, recorded their voluntary statement. Based on the voluntary statement recovered the material objects i.e., sickle and talawar under the panachanama. Thereafter the investigation officer also recovered 12 grams of mangalsutra snatched from the complainant neck as well as motorcycles allegedly used by accused persons. Major investigation is already completed. It is not the case of prosecution that custodial interrogation of the accused is required in this case. The petitioners are permanent residents in the address mentioned in the cause title, they having immovable properties in their places. Prosecutor not produced wound certificate of the injured to show that whether they have sustained grievous injuries or simple injuries to attract Sec.310(2) of BNS.

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 regular 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 regular bail or refuse it. Whether to grant or not is a matter of discretion.

10. With the above guideline is applied to as provided U/Sec.310(2) of BNS there is an injury caused to the victim by the accused persons. In the absence of the wound certificate it can not be held that there was a dacoity committed by the accused persons. However it is a matter of investigation. Keeping the accused behind the bars no purpose will served and it amounts to pre-trial conviction. The petitioners undertaken to abide all conditions imposed by this court. With these observation this court opined that

it is a fit case to exercise discretionary power to grant bail. Hence, I am of the view that the petitioners are entitled for granting regular 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, 2, 6 and 7 U/Sec. 483 of BNSS is allowed.

The petitioners/Accused No.1, 2, 6 and 7 is ordered to be released on bail in Cr. No.179/2026 registered by the Chikodi Police station for the offence punishable U/Sec.310(2) of BNS, on executing personal bond of Rs.1,00,000/- each with one **local surety** for like sum to the satisfaction of the Jurisdictional Magistrate with the following;

:: CONDITIONS ::

1. The accused persons/petitioners shall report before the concerning Investigation officer as and when required, without fail.

2. They shall mark their attendance before the Investigation officer/SHO between 9-00 AM to 5-00 PM on 1st Monday of every month till final report submitted or six months whichever is earlier.
3. They shall appear before the court on all hearing dates regularly.
4. They shall not threaten or tamper the prosecution witnesses in any manner.
5. They shall not indulge in any offence in future with the complainant.

(Dictated to the Stenographer, transcribed and typed by her, corrected by me and then pronounced in the open Court on this the 24th day of June, 2026)

(SRI. VIJAY KUMAR)

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