



**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. 5333/2026

PETITIONERS

1. Shivalingayya Shankarayya Mathad,
Age: 50 years, Occ: Agriculture,
R/o: Mavanur, Tq: Hukkeri,
Dist: Belagavi.
2. Manikant Shivalingayya Mathad,
Age: 21 years, Occ: Student,
R/o: Mavanur, Tq: Hukkeri,
Dist: Belagavi.
3. Vinay @ Vinayak Shilingayya Mathad,
Age: 19 years, Occ: Student,
R/o: Mavanur, Tq: Hukkeri,
Dist: Belagavi.

[By: Sri. R. B. Chougala, Advocate]
v/s.

RESPONDENT:

State by : Yamakanamaradi P.S.
[By: Public Prosecutor]

**ORDERS ON ANTICIPATORY BAIL PETITION FILED BY
THE PETITIONERS/ ACCUSED NO.1 TO 3 U/S 482 OF
BNSS, 2023.**

This bail petition filed U/Sec.482 of BNSS by accused
no. 1 to 3 praying to enlarge them on bail in the event of

their arrest in Crime No.147/2026 registered at Yamakanamaradi Police Station for the offence punishable U/Sec.305, 331(3), 331(4) of BNS.

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

On 06.04.2026 at about 08.30 a.m., the complainant, her husband, and children went to Arihant Hospital in Belagavi, where the husband was admitted to the hospital for treatment. On 07.04.2026 at about 07.00 am, the complainant's neighbor, Rajeshwari, informed the complainant that her house's main door was open, and on the instruction of the complainant, Rajeshwari checked the inside of the house and found some belongings were missing. On the same day, the complainant came to the house at 03.00 pm and found that the suitcase and trunk were opened; 7.5 grams of a golden chain, 7.5 grams of gold earnings, and Rs.52,000/- cash, along with documents related to a sale deed, her husband's army papers, tractor papers, and bond paper executed by accused no. 1, were missing. On the assumption that the accused nos. 1 to 3 were stolen, the

complainant filed a complaint against the accused persons. The accused no. 1 is her husband's brother; accused nos. 2 and 3 are sons of accused no. 1. Based on the complaint, police registered a case and started an investigation.

3. The accused persons are seeking bail on the grounds that they are innocent and have not committed any offences as alleged and they have been falsely implicated in this case. Alleged offences are non-bailable offences but not punishable with death or life imprisonment. The accused nos. 2 and 3 are the students. The accused persons are permanent residents of Mavanur village having movable and immovable properties. They are the only earning members. A civil suit is pending before the civil court Hukkeri. They are ready to abide by the conditions that may be imposed by this court while releasing them on bail. On these grounds the accused is praying to allow the bail 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. The learned counsel for the petitioners produced a copy of case details pending before the Prl. Civil Judge and JMFC Hukkeri.

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

1. Whether the petitioners/accused no. 1 to 3 have made out sufficient grounds to grant bail?
2. What order?

7. My answers to the above points are as follows:

Point No.1:-In the Affirmative.

Point No.2:-As per my final order:

:- REASONS :-

8. **Point No.1:-** The Yamakanamaradi police have registered a case in Cr.No.147/2026 against the accused

no.1 to 3 for the alleged offense punishable U/Sec.305, 331(3), 331(4) of BNS.

9. The allegations mentioned the complaint discloses that, accused persons by breaking the door key of house of complainant stolen the golden ornaments worth Rs. 80,000/-, cash Rs.52,000/- and some important documents. On careful scrutiny of the complaint averments, prima facie, it is disclosed that there was a civil dispute with respect to property between the complainant and the accused family. In that ground the complaint might have been lodged on assumption that they were stolen the articles and cash mentioned in the complaint. However, whether the accused stole the above articles by lurking, breaking into the house during night hours is a matter of investigation. The alleged offences are not punishable with death or imprisonment for life. It is not a case of prosecution that, custodial interrogation of the accused are required in this case. Mere allegations is not sufficient to hold that the accused committed the alleged offenses at this stage.

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. 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 petitioner. 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 petitioner is entitled for granting anticipatory bail subject to conditions. Hence, I answer point No.1 in the 'Affirmative'.

12. 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 3 U/Sec. 482 of BNSS is allowed.

The respondent police is directed to release the petitioners/accused No.1 to 3 in the event of their arrest in Crime No.147/2026 registered by Yamakanamaradi police for the offence punishable U/Sec. 305, 331 (3), 331(4) 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 or computer and typed by her, corrected by me and then pronounced in the open Court on this the day of 24th day of June, 2026)

(SRI. VIJAY KUMAR)

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