

KABI010022862026



**IN THE COURT OF I-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT BALLARI**

DATED THIS THE 10th DAY OF JULY, 2026

: PRESENT :

Sri. H.A. Mohan, **B.A.L., LL.B.**,
I-Addl. District & Sessions Judge, Ballari

CRIMINAL MISCELLANEOUS No.573/2026

PETITIONERS/ACCUSED NO.1, 3, 4, 6 & 7 :-

1. G H Sharanappa S/o. Late Gadde
Hanumanthappa, Aged about 66 years,
Retired Employee, R/o. 112, President
Leon Apartment, Duo Marvel Layout,
Yalahanka, Bengaluru.
2. Hanumanthappa S/o. Late Nagalingappa,
Aged about 68 years, R/o. Thimmalapura
Village, Molakalmuru Taluk, Chitradurga
District.
3. Ravi Kumar Reddy S/o. Pothala Reddy,
Aged about 60 years, R/o.
Jonchareddypalli, Kalyanadurga,
Ananthapura District.
4. Ravi Kumar @ B S Ravi Prakash S/o. Late
Sanna Siddappa, Aged about 58 years,
R/o. #13, Bandi Huleppa Streept,
Rampura Village, Molakalmuru Taluk,
Chitradurga District.

5. Ganganna S/o. Parameshwarappa, Aged about 76 years, R/o. Dasara Bhavi, Thimmapalapura Village, Molakalmuru Taluk, Chitradurga District.

**(By Sri. M.Hanumantha Reddy.,
Advocate)**

//Vs//

RESPONDENT :-

The State by the P.S.I.,
Gandhi Nagar Police Station,
Ballari.

(By Spl.Public Prosecutor, Ballari)

ORDER

This is a petition filed by the petitioners/accused No.1, 3, 4, 6 and 7 under Section u/Sec.438 of Cr.P.C, in Crime No.55/2026 of Gandhi Nagara Police Station, Ballari, seeking grant of anticipatory bail, in the event of their arrest.

2. It is stated that, the petitioners/accused have not committed any offences as alleged in the complaint. But a false complaint has been filed just to harass the petitioners and to humiliate them. The petitioners are law abiding citizens, innocents and having deep roots in the

society. Hence, there are no chances for them to flea away from justice. It is stated that the alleged offences are not punishable with death or imprisonment for life and they are triable by the court of learned JMFC court. They are ready to abide by any of the conditions that may be imposed. They are ready to co-operate for any type of investigation. But they have serious threat of arrest. Therefore, they have filed this petition.

3. In response to notice issued, the victim has appeared through her advocate and filed detailed objections. The learned Public Prosecutor has also filed detailed objection with I.O. report.

4. The main grounds urged in the objections are that, the petitioners have not approached the court with clean hands. They are not law abiding citizens, but they have made a false allegation against the complainant with regard to her second marriage. The 1st petitioner had filed several cases against the complainant, alleging that she had taken a second husband, therefore, she is not entitled

for maintenance. Subsequently he got withdrawn the said cases including the Special Leave Petition filed before the Hon'ble Supreme Court. That shows that, just to deny the maintenance amount to the complainant and also just to defame her in the public view, he has made all these illegal attempts and also made attempts to tarnish her image. Therefore, the complainant was forced to file the complaint against all the accused persons under various provisions of law. There is clear material to show that, they have actually committed the offences alleged in the complaint.

5. It is stated that, since the petitioners, particularly petitioner No.1 is not honest and he has suppressed many true facts and tried to tarnish the image of the complainant, they are not entitled to seek discretionary relief of anticipatory bail. They are powerful persons and hence, if they are enlarged on anticipatory bail, they may tamper the prosecution witnesses and hamper the investigation. Accordingly, prayed to reject the application.

6. Heard the learned counsel for petitioners and the learned Spl. Public Prosecutor and also learned counsel for victim.

7. The following points that arise for my consideration:

1. Whether it is necessary to exercise discretion in favour of the petitioners to grant anticipatory bail. ?

2. What order?

8. My answer to the above points are as under:

Point No.1: In the affirmative.

Point No.2: As per final order, for the following ;

REASONS

9. **Point No.1** :- During the course of arguments the learned counsel for the petitioners, has relied upon the bail granted in favour of two accused persons in Crl.M.P.No.460/2026 and it is argued that since the alleged offences are not punishable with death or

imprisonment for life, by imposing some conditions, they may be enlarged on anticipatory bail.

10. On the other hand, the learned counsel for the victim and learned Public prosecution have pointed out that, as per the material placed by them the first petitioner went on changing the version by filing different type of cases. Without any proof, he had filed cases stating that, the victim has remarried. The intention was only to avoid the maintenance amount awarded by the competent court of law. His approach is not fair, therefore he does not deserve any sympathy.

11. Of-course the material placed by the victim to show that, the 1st petitioner made an attempt to tarnish the image of the complainant by stating that, she has remarried, wedding card is the basis for saying that, the alleged invitation card was extended by one Sri. Annajigouda. But the 1st petitioner being a responsible person and once he had married the complainant, should have been very responsible while accepting and believing

the said invitation card in order to come to a conclusion that his divorced wife has taken 2nd husband. Invitation card itself is not a proof to draw an inference, unless he gets some other relevant documents to show that, the marriage was actually taken place. But without any supporting documents he had filed cases against the complainant stating that she has remarried. Therefore, as rightly pointed out by the prosecution, the approach of the petitioners is not fair and they do not deserve any sympathy at all. However the petitioners themselves have admitted about the alleged invitation card. Now they cannot go back from the said contention.

12. The I.O. can investigate the matter based upon documentary and circumstantial material. The alleged offences are not punishable with death or imprisonment for life. Therefore, just because the petitioners have not approached this court clean hands, under the above facts and circumstances, keeping in mind the article 21 of constitution, I hold that by imposing some stringent conditions, they may be enlarged on anticipatory bail.

13. Further, quoted a wrong provision in the petition is not a ground for rejection of the application. Because the court has to see the substance of the petition and not the provision. Under Cr.P.C 438 was maintainable. It appears by oversight they might have quoted section 438 of Cr.P.C. Actually this should have been filed under section 482 of BNSS., 2023. Accordingly, without expressing any opinion regarding the merits of the case, I answer the above point in the Affirmative.

14. **Point No.2** :- In the result, I proceed to pass the following :

ORDER

The petition filed by the petitioners/accused No.1, 3, 4, 6, 7 under Section 438 of Cr.P.C, is hereby allowed.

The respondent police are directed to enlarge the petitioners on bail, in the event of their arrest, pertaining to Crime No.55/2026 of Gandhi Nagar Police Station, Ballari on their executing personal bond for Rs.1,00,000/- each

with one surety for like sum each, on the following conditions :

1. The petitioners shall surrender before the jurisdictional police within 8 days from the date of this order to assist the police for conducting investigation, in accordance with law.

2. The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses.

3. The petitioners shall not leave the country without prior permission of the jurisdictional court.

4. The petitioners shall not indulge in any type of criminal activities.

If any conditions are violated by the petitioner, the bail shall stand automatically canceled.

(Dictated to the Stenographer Grade-III, transcribed & computerized by him, script corrected and then pronounced by me in the Open Court on 10th day of July, 2026)

(H.A. MOHAN)

I Additional Sessions Judge,
Ballari.