

KABI010022872026



**IN THE COURT OF THE II ADDL.DISTRICT & SESSIONS
JUDGE, AT BALLARI.**

PRESENT:

SRI.B.G.PRAMODA, B.A.L., LL.B,
II ADDL.DISTRICT & SESSIONS JUDGE,
BALLARI

DATED THIS **19th** DAY OF **JUNE 2026**

Crl.M.P.No:574/2026

**PETITIONER/
Accused No.6**

A.Shivraj S/o A.Tayanna, Aged: 65 years,
Civil Contractor, R/o Ward No.7, Door
No.118, Bapuji Nagar, Ballari.

(By Sri.S.Rangaswamy., Advocate)

//Vs//

RESPONDENT:

The State by, Sub Inspector of Police,
APMC Yard Police Station, Ballari,

(By Learned Public Prosecutor)

ORDER

1. This petition is filed by the petitioner/ accused
No.6 **U/Sec.482 of BNSS, 2023**, praying to grant
anticipatory bail to him in the event of his arrest in **Crime
No.120/2026 of APMC Yard Police Station, Ballari** for the
offences punishable U/Sec. 316(2), 318(4), 336(2), 336(3),
340(2) R/w Section 3(5) of BNS, 2023 and U/Section 73, 192,

192-A of Karnataka Land Revenue Act, 1964, pending on the file of learned II Addl. Civil Judge & JMFC, Ballari.

2. It is stated in the petition that the respondent police have registered the case in Crime No.120/2026 against petitioner and other accused by alleging the commission of offences punishable U/Sec. 316(2), 318(4), 336(2), 336(3), 340(2) R/w Section 3(5) of BNS, 2023 and U/Section 73, 192, 192-A of Karnataka Land Revenue Act, 1964, on the basis of information given by one R.Ramakrishna, Revenue Inspector. It is further stated in the petition that the petitioner is innocent and he has not committed any offences as alleged against him. A false case has been registered against the petitioner in order to harass him. There is inordinate delay in lodging the complaint. Petitioner is Class-I contractor and he is senior citizen. Name of the one Honnurappa is shown as cultivator in the ROR of Sy.No.125. In the year 1968, Government of Karnataka has granted 4.10 acres of land to one Ramakka, who is the grand mother of Honnurappa. After her demise name of Honnurappa is entered in ROR in the year 1999. The petitioner has not prepared any unregistered

documents as alleged. Though the alleged offences are non-bailable, they are not punishable with imprisonment for life. No notice is issued to the petitioner U/Section 35(3)(1) of BNSS, 2023. The respondent police are making hectic efforts to arrest the petitioner. The petitioner has got strong apprehension of his arrest by respondent police. The petitioner is respectable person in the society. The petitioner is the permanent residents of address mentioned in the cause title and he owns movable and immovable properties. The petitioner is ready to abide by any terms and conditions that may be imposed by the court for his enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. Hence, the petitioner has prayed to allow the petition.

3. The learned Public Prosecutor has filed the objection to the petition by opposing the grant of bail to the petitioner on the ground that the offences alleged to have been committed by the petitioner are grave in nature and against to society. It is further stated in the objection that, petitioner and other accused have received amount from the

public stating that, they are the owners of Government land and they have illegally sold the property to several persons with the help of created unregistered sale deeds and with created documents. It is further stated in the objection that the case is still at the investigation stage. If the petitioner is enlarged on bail, he will abscond and he may not appear before Investigating Officer and he may hamper the investigation of the case. The petitioner may threaten the informant and other prosecution witnesses and he may try to destroy the evidence. The petitioner may commit similar offences in future. Hence, the learned Public Prosecutor has prayed to reject the petition filed by the petitioner.

4. Heard the arguments of Learned Public Prosecutor and Learned counsel for the petitioner. Perused the petition, objection and other materials on record.

5. Having done so, the following points will arise for my consideration:

1. Whether the petitioner has made out grounds for grant of anticipatory bail to him U/Sec. 482 of BNSS, 2023?

2. What order?

6. My findings to the above points are, as under:

Point No.1:- **In the Affirmative.**

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

REASONS

7. **Point No:1:** The respondent police have registered the case in Crime No.120/2026, against the petitioner and other accused by alleging the commission of offences punishable U/Sec. 316(2), 318(4), 336(2), 336(3), 340(2) R/w Section 3(5) of BNS, 2023 and U/Section 73, 192, 192-A of Karnataka Land Revenue Act, 1964, on the basis of information given by one R.Ramakrishna, Revenue Inspector. The petitioner has produced the certified copy of FIR, complaint and other documents. The name of the petitioner is shown as accused No.6 in the FIR.

8. It is alleged in the FIR that, on 22.05.202, under the leadership of Deputy Tahasildar, Ballari, Assistant Commissioner, Ballari, Tahasildar, Ballari, other Revenue officials and Police staffs have conducted the drive of removal

of encroachment done by the public in Survey No.125 measuring 7.87 acres of Government land situated in Ward No.5, Parthabudihal village. At that time, the persons who have constructed houses in the said property and the persons who are constructing the buildings in the said property have told the informant and other officials that, accused No.1 to 5 by colluding with petitioner/accused No.6 Shivaraj have claimed that, the said Government property is belonging to them and they are the owners of said property. They have received lakhs together amount from the said persons and executed unregistered created sale deeds with respect to the said properties in the names of those persons with created documents and thereby cheated the public and Government.

9. The offences alleged against the petitioner are non-bailable in nature. As such, the petitioner has filed the present petition under the apprehension of his arrest by the respondent police. Since FIR is registered against the petitioner by alleging the commission of non-bailable offences, there is possibility of arrest of the petitioner by the respondent police during the course of investigation of the

case. It is also alleged by the petitioner that after registering the case against him, the respondent police are making hectic efforts to arrest him and there is reasonable apprehension of his arrest by the respondent police.

10. The offences alleged against the petitioner are not exclusively punishable with death or imprisonment for life. The alleged offences are triable by learned Magistrate. The offence U/Section 336(3) is punishable with imprisonment up to seven years. The offence U/Section 316(2) of BNS, 2023 is punishable with imprisonment up to five years. Other alleged offences are bailable in nature. Allegation of forgery and creation of document is made against the petitioner. Investigation of said allegations is mainly depending up on documentary evidence. Custodial interrogation of the petitioner is not required for further investigation of the case. In the I.O. report submitted along with the charge sheet, it is mentioned that, after registering the case, panchanama of place of the incident was conducted. Further, statements of the witnesses was recorded. Further, it is also mentioned that, unregistered sale deeds were also produced by several

persons. It is to be noted here that, the learned counsel for the petitioner has produced the RTC of survey No.125 of Patrabudihal village measuring 17.42 acres. The name of accused No.1 is shown as cultivator to the extent of 4.10 acres of land. The name of other persons is also shown in the cultivators column. According to the petitioners 4.10 acres of land was granted to one Ramakka, who is the grand mother of accused No.1 to 5. Whether the accused No.1 to 5 have sold the Government land to the several persons with the help of created unregistered document by stating that, they are the owners of the land and received amount from the said persons or not and whether the present petitioner is also involved along with accused No.1 to 5 in receiving the amount from the public and in executing the created sale deeds or not and whether petitioner has cheated the public and Government and whether he has committed the other alleged offences or not has to be adjudicated only after full fledged trial.

11. The petitioner is ready and willing to abide by any terms and conditions that may be imposed by the court for

his enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. The petitioner is also ready to co-operate with the investigation of the case. The petitioner is the permanent resident of address shown in the cause title. As such there is no chances of petitioner absconding or fleeing from justice. The presence of the petitioner during the course of investigation may be secured by imposing suitable terms and conditions. The apprehension of learned PP can be made good by imposing suitable terms and conditions.

12. Section 482 (1) and (2) of BNSS, 2023 provides for granting anticipatory bail. The said sections reads as follows:

482(1) : When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

13. As per the aforesaid provision, this court has got power to grant anticipatory bail if any person proves that,

case is registered against him by the police by alleging the commission non-bailable offences and if he proves that, he has got reasonable apprehension of his arrest by the police for the said alleged offences. In the present case as discussed earlier, the offences alleged against the petitioner are non-bailable in nature and the petitioner has also produced sufficient materials to show that there is an apprehension of his arrest by the respondent police. As such, I am of the opinion that, the discretion of this court U/Sec.482 of BNSS can be exercised in favour of the petitioner to grant anticipatory bail as prayed for by imposing suitable terms and conditions. Hence, the petition filed by the petitioner is deserves to be allowed. Accordingly, I answer **Point No.1 in the Affirmative.**

14. Point No.2: In-view of my findings on Point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner/
accused No.6 U/Sec.482 of BNSS, 2023 **is**
hereby allowed.

The respondent police shall release the petitioner/ accused No.6 on bail in the event of his arrest in **Crime No.120/2026** of **APMC Yard Police Station, Ballari**, for the offences punishable U/Sec. 316(2), 318(4), 336(2), 336(3), 340(2) R/w Section 3(5) of BNS, 2023 and U/Section 73, 192, 192-A of Karnataka Land Revenue Act, 1964, pending on the file of learned II Addl. Civil Judge & JMFC, Ballari, on petitioner executing personal bond for a sum of **Rs.1,00,000/- with two sureties for like-sum** to the satisfaction of the Learned Magistrate on the following further conditions:

CONDITIONS

(1) The petitioner shall appear before the Investigating Officer within two weeks from the date of this order and he shall furnish all necessary information and documents to the Investigating Officer.

(2) The petitioner shall appear before the Investigating Officer once in fifteen days on Sunday for the period of two months or till the date of filing the charge sheet whichever earlier and he shall appeared before the I.O. as and

when called for and he shall co-operate with investigation of the case.

(3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer.

(4) The petitioner shall not try to destroy evidence.

(5) The petitioner shall not leave India without prior permission of jurisdictional magistrate.

(6) The petitioner shall not commit any offence of similar or any other offence in future.

(7) Violation of any of the aforesaid terms and conditions would entitle for cancellation of bail of the petitioners.

(Dictated to the Stenographer Gr.III directly on computer, typed by her, corrected by me and then pronounced in the open court on this **19th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.