

KABK010007952026



IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS
JUDGE, BAGALKOTE

Present: Sri. N.V. Vijay, B.A. LL.B. (Hons.),
Prl. District and Sessions Judge,

Dated this the 10th day of March, 2026

Criminal Miscellaneous No.118/2026

Petitioners

- 1) Thanaveer S/o Shakilahemad Havaldar,
Age: 28 years, Occ: Business,
R/o: Plot No.72, Near Government
Hospital, Sector No.10,
Navanagar-Bagalkote.
- 2) Mujamila S/o Rajesab Kamatagi,
Age: 24 years, Occ: Coolie,
R/o: #7172 Mahabubsubani Darga,
Word No.4, Bagalkote.
- 3) Saddam @ Saddamhusen
S/o Rajesab Kamatagi,
Age: 21 years, Occ: Coolie,
R/o: Mahabubsubani Darga,
Ward No.4, Bagalkot.
- 4) Fayaz S/o Rafik Hanamasagar,
Age: 25 years, Occ: Mechanical,
R/o: 431/2, Ward No.2, Pendar Galli,
Behind Panka Masjid, Bagalkot.
- 5) Sarpraj S/o Iqbal Chaus,
Age: 33 years, Occ: Coolie,
R/o: #123 Ward No.3, Jain Pett Nagar,

Namaz Khan Galli, Bagalkot.

- 6) Rihan S/o Mahmood Shekh,
Age: 25 years, Occ: Coolie,
R/o: Ward No.2 # 328 Pendar Galli,
Bagalkot.
- 7) Mahommad Ayan
S/o Sameer Guledagudda,
Age: 19 years, Occ: Coolie,
R/o: #447 Ward No.2,
Pendar Galli, Bagalkote.
- 8) Vasim S/o Akram Shekha,
Age: 22 years, Occ: Coolie,
R/o: Pendar Galli, Bagalkot.

(Sri R.H. Pendar, Advocate)

Vs.

Respondent

The State of Karnataka,
through Town Police Station,
Bagalkot.

(Public Prosecutor, Bagalkote)

ORDER

This is the petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in Bagalkot town Police Station Crime No.14/2026 registered for the offences punishable under Sections 109, 132, 189(2), 191(2), 191(3), 352 and 351(2) read with section 190 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. In the petition it is averred that they are innocent but have been falsely implicated in this case just to harass them. There are absolutely no prima-facie materials to connect petitioners with alleged offences. The petitioners are permanent residents of the address given in the cause title and have got both movable and immovable properties. They are ready and willing to abide by the conditions imposed by this court and ready to furnish solvent surety to the satisfaction of the Court. Hence, prayed to allow the petition.

3. On the contrary, the learned Public Prosecutor has filed objections by narrating the facts of the case and has contended that the complaint averments clearly disclose the fact that the petitioners along with other accused persons have committed the offences. If the petitioners are enlarged on bail, there is possibility of destroying the evidence and threatening the prosecution witnesses. Hence prayed to reject the petition.

4. Heard the arguments of both sides.

5. The point that arises for my consideration is:

Whether the petitioners are entitled to regular

bail ?

6. My answer on the above point is in the negative, for the following:

REASONS

7. A sue-moto complaint is lodged by B.B. Kolli, P.S.I. of town police station on 19.02.2026 alleging that the accused persons by name Thanveer, Mujja @ Mujamila, Saddam, Fayaz, Sarpraj, Rihan, Mahommad Shekh, Vasim etc., are the persons belonging to Muslim community. On 19.02.2026 at about 10.00 p.m., the community persons belonging to Maratha Samaj were taking out a procession on the eve of "Shri Shivaji Maharaj Jayanti" and when said procession came in front of Panka Masjid, at that time, accused persons in order to cause disruption of the procession started a commotion and also prevented the police officials from performing their duties. Subsequently, said accused persons started Galata and with an intention to commit murder had deliberately thrown stones to disrupt the procession and due to pelting of stones the public and the police officials had sustained simple injuries. The accused persons deliberately tried to cause

commotion. Hence, the complaint.

8. Learned counsel for the accused persons submits that during the procession in front of the Panka Masjid loud music was played by procession taking persons and deliberately tried to cause breach of public peace and tranquility in the town, therefore, essential ingredients of Section 109 of B.N.S. is not attracted as there is no serious injury caused to any of the persons in the alleged incident. Section 109 of B.N.S. has been deliberately included only to make the case strong against the accused persons. Hence, prays to enlarge the accused persons on bail.

9. At the outset, it is an unfortunate situation that people are still fighting over the religion, when the whole world is moving forward with development. Situation like this cause communal disharmony in the society and has to be curtailed. It is no doubt true that bail is a rule and jail is an exception. While consideration of bail application the act of the accused persons should also be taken into consideration.

10. Learned P.P. submitted a C.D. containing video clipping of the incident. I have personally visualized the entire video clipping and it discloses that at about 21.44 hours the procession had reached near Panka Masjid and the police officials who were present at the spot were trying to control the members in the procession and at about 22:6:39, the persons present inside the Masjid started pushing police officials and at the same time one person pelted two stones on the crowd who was in the procession and due to stone pelting the Superintendent of Police and other police officials had sustained bleeding injury over the head. It is no doubt true that injuries sustained to the S.P. and another police officials were not grievous injuries. If said stone was fallen on the crowd, the situation would have gone worsen as the crowd would have reacted violently.

11. It is also relevant note that this act of pelting stone on the crowd at the time of procession has to be dealt very seriously as it would have led to communal violence between two community groups. Due to the said act on the next day a different community group of people had tried to

pelt stones on the Masjid.

12. It is also relevant note that due to the said incident order Under Section 163 of BNSS was clamped in the entire Bagalkot and nearly about 3 thousand police personnel were summoned, beside that 5 Superintend of Polices from different districts were deployed to Bagalkot to prevent the communal disharmony. Incident like this has caused huge exchequer to the State and the entire Bagalkot town was grappling under tense situation for nearly about 3 days.

13. The footages found in the C.D. discloses about presence of the accused persons trying to cause disharmony in the crowd and among the accused persons the accused No.1 had pelted stone on the crowd. In the said scenario, I am of the opinion that act of the accused persons has to be dealt seriously and such an act should be curbed at the threshold itself. It is also relevant to note that if such accused persons are enlarged on bail, that too in the midst of investigation, it would send a wrong message to the society. As the matter is still at the stage of

investigation, petitioners are not deserving at this stage for grant bail, as in the heat of commotion another happening of untoward incident cannot be brushed aside. Accordingly, the point No.1 is answered in the negative and pass the following:

ORDER

The petition filed by the petitioners/accused Nos.1 to 8 under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 is hereby rejected.

(Dictated to the Stenographer Grade-I, transcribed & typed by him, corrected, signed and then pronounced by me in the open court on this the 10th day of March, 2026.)

(N.V. Vijay)

Prl. District and Sessions Judge, Bagalkote.