

KABK220000922026



Crl.Misc./10010/2026

**IN THE COURT OF THE III ADDL. DISTRICT &  
SESSIONS JUDGE, BAGALKOTE, SITTING AT: MUDHOL**

**PRESENT**

**SRI. GURURAJ G. SHIROL,**

**B.Com., LL.M.,**

**III Additional District & Sessions Judge,  
Bagalkote, sitting at Mudhol**

**Crl. Misc. No.10010/2026**

**Dated this the 07<sup>th</sup> day of March-2026**

**PETITIONERS:**

1. Siddappa Mahadev Dharigouda,  
Age: 34 years, Occ: Agriculture,  
R/o: Vidya Nagar, Mahalingapur,  
Tq: Rabakavi-Banahatti, Dist: Bagalkot-587312  
Aadhar No.737310177296.
2. Shrishail Mahadev Dharigouda,  
Age: 32 years, Occ: Agriculture,  
R/o: Vidya Nagar, Mahalingapur,  
Tq: Rabakavi-Banahatti, Dist: Bagalkot-587312  
Aadhar No.913140450532
3. Mr. Ishwar Mahadev Dharigouda,  
Age: 25 years, Occ: Agriculture,  
R/o: Vidya Nagar, Mahalingapur,  
Tq: Rabakavi-Banahatti, Dist: Bagalkot-587312  
Aadhar No.573492773532

**(Petitioners By Sri.K.S.Bilagi, Advocate)**

**V/s.**

**RESPONDENT:**

1. The State of Karnataka,  
through Mudhol P.S.  
R/by Public Prosecutor, Mudhol

**(By Learned Public Prosecutor, Mudhol)**

**ORDER**

The petitioners have filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant them anticipatory bail in Mudhol P.S Cr. No.31/2026 for the offences punishable U/s 126(2),115(2),74,352,351(2), r/w 3(5) of BNS-2023.

**(2) Facts leading to petition are as under:**

The complainant lodged the complaint alleging that, he own Sy.No.562/7 measuring 4 acre 14 guntas within the jurisdiction of Belagali village. One Mahadev Konnur cultivates the land on behalf of the complainant. Abutting to the land of the complainant, land of petitioners is situated. Three months prior to the date of incident the complainant had got his surveyed. In the survey it was noticed that some portion of land belonging to complainant was being cultivated by the petitioners. After survey it was rectified and the measuring

stones were fixed. On 22.01.2026 at about 4.00 p.m when the complainant his wife were in their land, the petitioners came there, abused the complainant for not giving up their land and assaulted him with hands. When the wife of the complainant tried to rescue him the petitioners pulled her saree and torn her cloths with an intention to disrobe her. Mahadev rescued them, there afterwards the petitioners put them on life threat. On these allegations the complainant has lodged complaint and the case was registered under Crime No.31/2026 of Mudhol P.S for the above offences. Apprehending their arrest the petitioners have moved this petition on the following grounds.

**(3) Grounds for bail:-**

- i) *The complaint lodged was falsely motivated which was filed after considerable delay.*
- ii) *The dispute is civil in nature, but in order to misuse the criminal proceedings the complainant with malafide intention filed the false complaint.*
- iii) *There is no specific overt-act of the petitioners in commission of the offence.*

- iv) The offences alleged against the petitioners are not so grave and they are not punishable with death sentence or life imprisonment.*
- v) The complainant has falsely made the allegation of wrongful restraint, voluntarily causing hurt, assault or use of criminal force to women or intentional insult against the petitioners.*
- vii) The petitioners are all residents of Mahalingapur village having movable and immovable properties in their names.*
- vii) The petitioners are ready to abide by the conditions imposed and willing to furnish surety to the satisfaction of the Court, if they are released on bail. On these grounds, the petitioners pray to enlarge them on bail.*

**(4) Objections of Prosecution:**

In spite of granting many opportunities the learned Public Prosecutor did not file objection. Any further adjournment might have resulted in violation of time fixed by Hon'ble Apex court for disposal of bail petitions. Hence having no other go the objection by learned public prosecutor was taken as not filed.

(5) Heard arguments. Perused the case records.

(6) Now, the following points arise for consideration of this court:

1. ***Whether the petitioners are entitled for bail?***
2. ***What order?***

(7) On the basis of the materials on record, above points are answered as under:

1. ***In the Affirmative***
2. ***As per final order for the following:***

### **REASONS**

(8) **POINT NO.1:-** On perusal of the copy of the FIR and complaint, the offences alleged are U/s 126(2),115(2), 74,352,351(2), r/w 3(5) of BNS-2023. Though some of them are non-bailable in nature, they are not punishable with “death or imprisonment for life”.

(9) On perusal of the complaint averments the incident appears to have arisen because of the civil dispute between them. It appears that, the quarrel erupted in the spur of the moment. Prima facie reading of the complaint, does not show that, the accused persons had an intent to disrobe the wife of

the victim. At this juncture it appears that, a trivial incident is being blown out of the proportion. So the offences are not so serious so as to reject the bail petition.

**(10)** Learned advocate for the accused has produced the marriage card of the accused No-1. It shows that the first petitioner is just married. Arrested at this juncture may result in bitter relationship. Further the prosecution has not brought anything to believe that arrest of accused persons is necessary in this case.

**(11)** The petitioners are permanent residents of Mahalingapur village of Mudhol Taluk. The petitioners have produced copies of Aadhar cards wherein the residence of the petitioners have been shown as Mahalingapur village. Therefore, there is no chance of abscondance. Under these circumstances, this court is of the considered opinion that the bail petition filed by the petitioners can be allowed by imposing proper conditions. With this point No.1 is answered in the **Affirmative.**

**(12) POINT NO.2:-** In view of finding on point No.1, the court proceeds to pass the following:

**ORDER**

The petition filed by the petitioners U/s 482 of BNS-2023 seeking anticipatory bail is **allowed**.

*In the result, the petitioners/ **Accused No-1 to 3** are directed to be released on bail in the event of their arrest in Mudhol PS Crime. No.31/2026 for the offences punishable U/s 126(2),115(2),74, 352,351(2), r/w 3(5) of BNS-2023, on executing personal bond for a sum of Rs.1,00,000/-each with one surety for the like sum, to the satisfaction of concerned investigating officer subject to the following conditions:*

- 1 The petitioners shall surrender before the investigating officer within 15 days from today.**
- 2. The petitioners shall not tamper with the prosecution witnesses.**
- 3. The petitioners shall not commit any offence in future.**
- 4. The petitioners shall co-operate with the investigating officer in investigation/ enquiry.**
- 5. The Petitioners/ Accused No-1 to 3 shall mark their attendance before the IO on every Sunday between**

***10:00AM to 5:00PM till filing of charge sheet or 60 days whichever is earlier.***

(Dictated to the Stenographer directly on computer and typed by him and corrected, signed and then pronounced by me in the Open Court on this 7<sup>th</sup> day of March-2026).

**Sd/-  
(GURURAJ G. SHIROL)  
III Addl. District & Sessions Judge,  
Bagalkote, sitting at Mudhol.**