

KABK220002992026



Crl.Misc./10047/2026

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

PRESENT
SRI. DEVENDRA PANDITH,
B.A.,(MA)., ML.,
III Additional District & Sessions Judge,
Bagalkote, sitting at Mudhol

Crl. Misc. No.10047/2026

Dated this the 01st day of July-2026

PETITIONERS:

1. Sunil S/o Hanamanth Kilabanur (A-2)
Age: 26 years, Occ: Agriculture.
2. Vittal S/o Lakshamappa Malali (A-3)
Age: 32 years, Occ: Agriculture,
Both are R/o: Dadanatti, Tq: Mudhol,
Dist: Bagalkot.

(Petitioner By Sri.R.T.Hosamani Advocate)

V/s.

RESPONDENT:

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

(By Learned Public Prosecutor, Mudhol)

ORDER

The petitioners have filed this petition Under section 483 of BNSS-2023 the accused the No.2 & 3, prayed to enlarge them on bail, in Lokapur P.S. Crime No.41/2026 for the offences punishable U/sec. 189(2), 191(2), 191(3), 140(1), 115(2), 118(1), 109, 352, 351(2) R/W 190 of BNS-2023.

2. Facts alleged in the petition are as under:-

It is allegation of the complainant that, on 05-05-2026 one Shravanakumar S/o Goudappa Sokaanadagi had filed a complaint against the above said petitioners alleging that, the accused Nos.1 to 3 had took quarrel with the complainant for that the case was registered before Lokapur police and then said case was settled between themselves while the case was pending before the District and Sessions Court Mudhol and thereafter the accused persons were nourishing ill will against the complainant, his brother and his parents for canvassing against the accused persons in the election. It is alleged that on 04.05.2026 at about 8.30 pm when complainant's brother by name Sachin was giving marriage card to their relatives in Dadanatti village. When he came near High School at that time

the accused No.1 holding rod, accused No.3 holding sickle, accused No.4 holding Axe and accused No.2 holding cloth and rope, came there and they put cloth on his mouth. They tied his hands and kidnapped him in Mahindra XUV bearing its Reg.No.UP-16/BA-0075. They took him towards Hosakoti, there they assaulted him by hands. Then they took him near Kulageri Cross and there accused No.1 tried to assault him with iron rod on his head with intent to commit his murder and it hits to his left hand. The accused No.3 tried to assault him on his head with sickle but hits on his left hand and when complainant's brother Sachin tried to escape from them, at that time, accused No.1 assaulted him with iron rod on his legs. Accused No.4 assaulted him with boot end of axe. The complainant's brother lost his conscious. The accused No.1 to 4 left him there and they had gone from the alleged spot. The injured was shifted to Guled Hospital for treatment. Hence complainant had filed alleged complaint.

3. In pursuance of alleged complaint petitioners were arrested on 08.05.2026 and they were produced before the Addl Senior Civil Judge and J.M.F.C Mudhol and they were

remanded to judicial custody hence they prefer present bail application.

4. The Learned Public Prosecutor resisted the application by filing objections. He contended that, the accused persons are not entitled to enlarged on bail. If they are enlarged on bail, there is a chance of tampering of the prosecution witnesses, escape from the clutches of law and chances of repeating the same offenses and prayed to reject the bail application.

5. Heard both the sides.

6. The following points are arise for my consideration:-

1. Whether the accused No.2 and 3 prove that,
they are entitled to be enlarged on bail?

2. What Order?

7. My findings on the above points are answered as under:-

Point No.1 : In the Negative.

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

REASONS

8. POINT NO.1:- It's alleged that, due to political rivalry, the complaint was filed against accused No.1 to 4 alleging that on 04.05.2026 at about 8.30 pm when complainant's brother by name Sachin was giving marriage card to their relatives in Dadanatti village. When he came near High School, at that time the accused No.1 to 4 came with rods sickle rope and clothes in their hands, by putting clothes in the mouth of the victim, tied him with rope, they kidnapped him in Mahindra XUV bearing its Reg.No.UP-16/BA-0075 and they took him towards Hosakoti and there they assaulted him by hands and then they took him near Kulageri Cross. There accused No.1 tried to assault him with iron rod on his head with intent to commit his murder and it hits to his left hand. The accused No.3 tried to assault him on his head with sickle but hits on his left hand and when complainant's brother Sachin tried to escape from them, at that time accused No.1 assaulted him with iron rod on his legs. The accused No.4 assaulted him with boot end of axe when victim became unconscious, they left him there and went away. The victim was informed to be admitted

to hospital, the complaint visited the hospital and collected the information and filed the complaint.

9. Granting bail for an offence under Section 109 of the BNS (Attempt to Murder) is at the court's judicial discretion, as it is a non-bailable and severe crime. Courts primarily evaluate the severity of the injuries, the weapon used, the accused persons criminal history, and the likelihood of witness tampering.

10. Specific facts and judicial principles evaluated by this courts include:-

i) Nature and Gravity of the Offence: Courts look at whether the injuries sustained are simple or grievous, and on what parts of the body they were inflicted. Accordingly Medical legal certificate extract produced by learned Public Prosecutor and discharge summary produced by the learned counsel for the accused shows, the victim sustained i) Nose swelling an left side of nose and face, bleeding seen. ii) Left forearm laceration, left hand punctured wound, iii) Left leg contusion 3x2 cms, iv) Right leg contusion 3x2 cms, v) Right arm contusion 6x3 cms, vi) Upper back contusion 6x3 cms.

X-ray report:- i) Left forearm fracture both bones, ii) Left hand fracture 1st proximate phalynx, iii) Left leg fracture

tibia bone, iv) Right leg fracture fibula bone, v) Right shoulder, chest and both knee no fracture/dislocation seen.

CT Brain:- i) Un-displaced fracture of left nasal bone. ii) B/L peri-orbital and maxillary subcutaneous hematoma. Medical opinion that injury No.1 to 5 are grievous in nature and could be caused by application of hard and blunt force.

ii) Medical Evidence and Intent: A critical factor is whether there was a genuine mens rea (intention) or knowledge to cause death, which must be supported by medical evidence. Patient was admitted under orthopedic department, after adequate investigations and post fitness patient was posted for surgery. Preoperative antibiotics were given and pre anesthetic preparations were done as guidelines. Surgery was performed successfully. post operative period was uneventful. Post surgical wound dressing was clean. During the course of recovery patient was given iv antibiotics and anti-inflammatory medicines, proper physiotherapy advised. Patient was discharged after satisfactory recovery. The patient was admitted to hospital on 05.05.2026 and discharged on 28.05.2026. He is further advised to follow precautions and regular medication. By looking in to the injuries and treatment it is clear that hands and legs of the victim are fractured and nose bone and both bones of left forearm, left leg tibia bone and right leg fibula bones are fractured. It is held in several judgments of the Hon'ble Apex Court that the

injury or non injury on the vital parts of body alone cannot be a grant or non granting bail or anticipatory bail. The intention will be emerged during the course of evidence. prime facie it is clear that the victim sustained multiple fracture injuries on his body due to alleged assault. Though he is discharged from the hospital he is under medical advise.

iii) Weapon Used: The type of weapon (e.g., firearm, sharp-edged object, blunt force) helps establish the motive and level of premeditation. Iron rods, Sickle used by the accused persons for assault. Both these weapons are deadly.

iv) Role of the Accused: Courts determine whether the accused played the primary role (e.g., caused the injury) or was just passively involved in a larger group or unlawful assembly. The accused No.1 holding rod, accused No.3 holding sickle, accused No.4 holding axe and accused No.2 holding cloth and rope came there and they put cloth on his mouth and they tied his hands. They kidnapped him in Mahindra XUV bearing its Reg. No.UP-16/ BA-0075 and they took him towards Hosakoti and there they assaulted him by hands and then they took him near Kulageri Cross. The accused No.1 tried to assault him with iron rod on his head with intent to commit his murder and it hits to his left hand. The accused No.3 tried to assault him on his head with sickle but hits on his left hand and when

complainant's brother Sachin tried to escape from them. At that time accused No.1 assaulted him with iron rod on his legs and accused No.4 assaulted him with boot end of axe. Thus all the accused persons alleged to be involved in the commission of the crime.

v) Criminal Antecedents: There is a likelihood of the accused repeating the offence as they are the accused persons in the previous criminal case registered by the father of the present complainant, for the similar nature of offence. Admittedly earlier similar type of offence alleged against the accused persons, trial held before this court, the parties submitted to be compromised the case among themselves. The complainant in the present case, was the victim in that case, turned hostile and case was disposed. Now, the brother of the complainant is the victim. The accused No.1, 3 and 4 are in the present case are same accused persons in the previous case. This shows the accused persons are having the habit of man handling and taking the law into their hands, then they further can managed the proceedings also, which cannot be accepted.

vi) Tampering and Flight Risk: Courts consider the risk of the accused absconding, intimidating witnesses, or destroying evidence if release, cannot be totally ruled out. If the accused persons are released there is chance of repeating the same offence against the victim which may lead to still more sever consequences. Earlier the accused

persons alleged to be succeeded in tamping the prosecution witnesses and perused them to be hostile. The same thing may be repeated now also.

vii) Stage of Investigation: **Here in this case the investigation is yet to be completed.** Accused No.2 and 3 are in JC from 08.05.2026, accused No.1 and 4 till absconding. By looking in to the facts and circumstance of the case it is held that the accused persons failed to prove that entitled for the bail. **Hence, point No.1 answered in the Negative.**

11. POINT No.2:- In view of the above discussions I pass following:-

ORDER

The petition filed by the petitioner No-2 & 3 U/s.

483 of BNSS-2023 is hereby **rejected.**

(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 01st day of July-2026).

Sd/-
(DEVENDRA PANDITH)
III Addl. District & Sessions Judge,
Bagalkote, sitting at Mudhol.