

KABK730001432026



Cri.Misc./5019/2026

**IN THE COURT OF I ADDL. DISTRICT & SESSIONS JUDGE,  
BAGALKOT TO SIT AT: JAMKHANDI, AT: JAMKHANDI.**

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**Before: Sri. Mahamed Imthiyaz Ahamed**

B.Sc, B.Ed, L.L.B.,

I Addl. District & Sessions Judge,  
Bagalkot to sit at Jamkhandi

**Dated: this 06<sup>th</sup> day of March, 2026**

**Criminal Miscellaneous No.5019/2026**

**Petitioner:**

Khaja Amin S/o.Suleman Mulla.

Age: 35 Years, Occ: Coolie,

R/o: Vinayak Nagar, Bagalkot. ....**Accused No.7**

**(Rep. by Advocate: Sri.J.G.Koujalagi.)**

**-Vs-**

**Respondent:**

The State of Karnataka,

By PSI, Mahalingapur P.S.

**(Represented by Public Prosecutor, Jamkhandi)**

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**:: ORDER ON BAIL APPLICATION U/s.483 OF BNSS-2023 ::**

The counsel for the petitioner/accused No.7 filed bail application U/sec.483 of BNSS-2023 seeking his release on regular bail in Mahalingapur Police Station Crime No.6/2026 for the offences punishable U/s.137(2), 310(2) of BNS-2023.

**2.** It is contended by the petitioner/accused No.7 that there are no reasonable grounds to believe that the petitioner had committed any offences, which are punishable with death sentence or life imprisonment. The petitioner is innocent person, he has been falsely implicated in this case just to harass him. That there are absolutely no prima-facie materials to connect this petitioner with alleged offences. That there are neither direct nor circumstantial evidence to connect this petitioner with alleged offences. No materials have been recovered from this petitioner. It seems that, this petitioner has been falsely arrayed as accused No.7 in this case. The IO has already completed the investigation and conducted spot panchanama and also recorded the statement of witnesses. Hence this petitioner is not required for custodial interrogation or further investigation and no purpose will be served if the petitioner is kept behind the bar for longer period. On perusal of the remand yadi, no specific overt act attributed against this petitioner and no such allegation of his involvement in the alleged crime. The petitioner is the only bread earning male member in his family. If the petitioner is kept in judicial custody for longer period then his entire family will suffer. The petitioner is permanent resident of

Bagalkot Town and there is no chance of his absconding. The petitioner is ready and willing to furnish surety to the satisfaction of the court and ready to abide by conditions being imposed by this court while granting bail to him. On these grounds petitioner/accused No.7 prayed to allow the bail application.

**3.** The case of the prosecution is that on 10-01-2026 at about 00-45 AM when the complainant was going in a lorry bearing No.MH-09/CU-8190 from Gangavati towards Kolharpur through Mahalingapur road on Nippani-Chikkodi road with a load of 25 tons of rice of worth of Rs.6,12,500/- the accused persons of age group between 30 to 35 years came in Ash colour Innova car and on the back of which written a symbol as SK and white Scorpio and restrained the lorry of the complainant by parking Innova car and Scorpio near Saidapur at Sameerwadi Cross stopped the lorry of the complainant and assaulted the complainant with hands and kidnapped the complainant in Scorpio by covering their face with cloths and pushed the complainant near Mahishyal and robbed the rice load and after emptying the lorry they went away by parking the lorry bearing

registration No.MH-09/CU-8190 near Miraj road. If the accused persons are released on bail they may repeat similar offences and they may threaten the prosecution witnesses and they may abscond from the place and may use political influence on witnesses. On these grounds prayed to reject the bail application.

4. Heard the learned counsel for petitioner/accused No.7 and learned Public prosecutor for the State. Perused the material on record.

5. Following points arise for my consideration:

Point No.1: Whether the petitioner/accused No.7 has made out justifiable grounds for his release on regular bail as prayed for?

Point No.2: What Order?

6. My answer to the above points are as follows:

Point No.1: In the **Negative**,

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

**::REASONS::**

7. **Point No.1:** The perusal of the contents of the bail application and the FIR reveals that on the complaint of one Babasab, Mahalingapur police registered FIR against 7 to 8

unknown culprits alleging the offence punishable U/s.137(2) and 310(2) of BNS-2023 vide Crime No.6/2026.

**8.** The case of the prosecution is that on 10-01-2026 at about 00-45 AM when the complainant was going in a lorry bearing No.MH-09/CU-8190 from Gangavati towards Kolhapur through Mahalingapur road on Nippani-Chikkodi road with a load of 25 tons of rice of worth of Rs.6,12,500/- the accused persons of age group between 30 to 35 years came in Ash colour Innova car and on the back of which written a symbol as SK and white Scorpio and restrained the lorry of the complainant by parking Innova car and Scorpio near Saidapur at Sameerwadi Cross stopped the lorry of the complainant and assaulted the complainant with hands and kidnapped the complainant in Scorpio by covering their face with cloths and pushed the complainant near Mahishyal and robbed the rice load and after emptying the lorry they went away by parking the lorry bearing registration No.MH-09/CU-8190 near Miraj road.

**9.** It is pertinent to note that the counsel for the petitioner/ accused No.7 has filed the instant bail petition U/s. 483 of BNSS mainly on the ground that during the course of

investigation IO had arrayed the instant petitioner as accused No.7 who was under the custody of Vijayapur jail in connection with Horti police station crime No.13/2026. The learned counsel for the petitioner also fairly admitted that the instant petitioner/accused No.7 is not in judicial custody in the instant case i.e. Crime No.6/2026 of Mahalingapur police station. The perusal of the documents filed by the counsel for the petitioner/accused No.7 along with the bail application does not reveal anything about the arrest of the instant petitioner/accused No.7 in the case pertaining to crime No.6/2026 of Mahalingapur Police Station. It is pertinent to note that the instant petitioner/accused No.7 is neither arrested or remanded to the judicial custody in the instant case. Under these circumstances the question of exercising discretion of granting regular bail U/s. 483 of BNSS by this court does not arise.

**10.** It is also pertinent to note that even other wise the offence alleged against the instant petitioner/accused No.7 is a heinous offence i.e. the offence alleged U/s. 310(2) of BNS is punishable with imprisonment for life also. The case is still under investigation. Under these circumstances when the instant

petitioner/accused No.7 is neither arrested and brought before the court nor remanded to judicial custody in the instant case the question of exercising discretion of granting regular bail would not at all arise. **Hence I answer point No.1 in negative.**

**11. Point No.2:** In view of my discussions on point No.1, I proceed to pass the following;

**::O R D E R::**

The bail application filed by the petitioner/**accused No.7** U/s.483 of BNSS-2023 is hereby **rejected.**

(Dictated to the stenographer directly on the computer, typed by him script corrected, signed by me and then pronounced in the open court on this the **06<sup>th</sup> day of March, 2026**).

**(Sri.Mahamed Imthiyaz Ahamed)  
I Addl.District & Sessions Judge,  
Bagalkot, to sit at Jamakhandi.**