



Presented on : 27.04.2026
Registered on : 28.04.2026
Decided on : 07.05.2026
Duration : 10 days.

**IN THE COURT OF III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, KALABURAGI**

DATED THIS THE 07th DAY OF MAY, 2026

:PRESENT:

Shri. Mohan B. Badagandi,
B.Com.LL.B(Spl.)
II Addl. Dist. and Sessions Judge,
Kalaburagi
I/c III Addl. Dist. and Sessions Judge,
Kalaburagi.

CRIMINAL MISCELLANEOUS No.497/2026

PETITIONER : Mahesh
S/o Sangameshwar,
Age: 47 years,
Occ: Agriculture,
R/o Revoor (B) village,
Tq: Afzalpur, Dist: Kalaburagi.
(Accused No.1 as per FIR)

(By Sri Suresh Tengli, Adv)

-Vs.-

RESPONDENT : The State of Karnataka, through
Revoor Police Station.

(By the learned Public Prosecutor)

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**ORDER**

Petitioner/accused has filed the petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail in Crime No.21/2026 of respondent- Revoor Police Station, for the offences punishable under Sections 54, 118(1), 118(2), 126(2), 109, 351(2) and 352 read with Section 3(5) of Bharatiya Nyaya Sanhita.

2. The learned Public Prosecutor has filed objections with investigating officers' report.
3. Heard the arguments of for both sides.
4. The points for consideration are:
 1. Whether the regular bail petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 deserves to be allowed? ?
 2. What order?

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5. My findings on the above points are as under:

Point No.1: In the Affirmative,

Point No.2. As per final order for the following;

REASONS

6. **POINT No.1:-** In a nutshell, the case of the prosecution is that complainant's husband and Petitioner/accused No.1 are the own brothers. They have ancestral landed property in Sy.No.25/2 at Revoor (B) village. The suit is pending before the Court of law. Petitioner/accused No.1 has apprehension that the suit is going to be decided in favour of complainant's husband. Hence, accused have inculcated the animosity against them. On 07.04.2026 at 07:00am the first informant and her husband Ramesh were working in the land, Petitioner/accused No.1 and his wife accused No.2 suddenly came, accused Nos.1 and 2 suddenly attacked on her husband and threatened with dire consequences. Petitioner/Accused No.1 assaulted with knife on back of her husband and threatened that he would see how her husband get success in the suit and

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also tried to assault on stomach of her husband. Her husband put his hand, hence assault on his hand. Accused No.2 abused her husband and instigated Petitioner/accused No.1 to kill her husband. They screamed. Ramalinga Manjulkar heard the scream, coming towards the spot. Accused No.2 caught hold her to stop further proceeding and told that you may go nearer husband after he dies. Accused No.1 again assaulted her husband twice. Again her husband put his hand, but knife touched forearm. Hence, her husband gets bleeding injuries and fell down. Accused saw coming of Ramalinga Manjulkar, Petitioner/accused No.1 went abusing her husband and threatening also. Later her husband was taken to Hospital at Ravor. Since her husband sustained severe injuries, referred for further treatment to GIMS Kalaburagi. Police came to the hospital, she told that he would get treatment first and later filed the complaint. Hence, she filed the written complaint.

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7. A perusal of materials on record would go to show that The allegations against the petitioner are to be proved only after full-pledged trial. There is a dispute in respect of family property and Civil Suit is pending. The injured person has not sustained so serious injuries which are endangering to the life. Further, there is no assault on vital part of the body of the injured person. So, the intentional assault on injured person is to be decided after full pledged trial.
8. The complainant and injured are the husband and wife. Petitioner and accused No.1 are the husband and wife. The injured already discharged from the hospital. Accused arrested on 08.04.2026 and produced before the Magistrate and remanded him to judicial custody. Since then he is behind the bars. The Investigating Officer seeks judicial custody of the petitioner, it means further custody of petitioner does not require for investigation and substantial investigation is over.

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9. So far as allegations against the petitioner is concerned that he assaulted injured with knife on back. He assaulted victim with hands on stomach. The remand sheet would go to show that the weapon alleged to have been used is recovered and substantial investigation is over. So, the custodial interrogation of the petitioner does not require again.
10. Even if the entire allegations are accepted as true, the offences alleged are not punishable with death. The petitioner is permanent resident of Revoor (B) village. Afzalpur Taluk, Kalaburagi District. The submission of the charge sheet and trial takes considerable time, the custodial trial does not warrant in this case. The address of petitioner has not been disputed by the prosecution. There are no chances of he fleeing from justice. The petitioner is the first offender. The petitioner has undertaken to appear before the investigating officer and co-operate for investigation. If

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the petitioner is directed to appear before the Investigating Officer, same would facilitate the investigation as well.

11. By considering the facts and circumstances of the case, nature and gravity of the offences, the overacts of the petitioner, property dispute in respect of family property and suit is pending, relationship between the complainant and petitioner, substantial investigation is over, the duration of the judicial custody, the custodial trial does not warrant in this case, I am of the opinion that, the petitioner has made out grounds to allow the petition. Accordingly, I answer ***point No.1 in the affirmative.***
12. **Point No.2** In the view of my findings on point No.1, I proceed to pass the following:

**ORDER**

The bail petition filed under section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is allowed.

The petitioner/accused No.1 shall be enlarged on bail in Crime No.21/2026 of respondent Police Station on his executing a personal bond in a sum of ₹1,00,000/- with two sureties for the like sum to the satisfaction of the jurisdictional court subject to the following conditions:

1. He shall appear before the Investigation Officer on Second and Fourth Sundays till filing the charge sheet or 90 days from the date this order, whichever is earlier.
2. He shall co-operate for due completion of investigation and trial as well if charge sheet filed.

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3. He shall regularly appear before the jurisdictional Court unless prevented by any genuine reasons.

4. He shall not abscond, threaten or tamper with prosecution witnesses in any manner.

5. He shall not commit similar offences in the future.

(Directly, dictated to the Stenographer Grade-III on computer, transcribed by him on computer, corrected by me and then pronounced by me in the open court on this the 7th day of May, 2026)

(Mohan B. Badagandi)
I/c III Addl. Dist. & Sessions Judge,
Kalaburagi.

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