

KACD010012102026



Presented on : 16-03-2026
Registered on : 16-03-2026
Decided on : 27-03-2026
Duration : 11 days

**IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE, AT: CHITRADURGA**

Present: **Sri Ron Vasudev, B.Com,LL.B.(Spl)**
*Prl. District & Sessions Judge,
Chitradurga*

Dated this the 27th day of March, 2026

Crl.Misc.291/2026

Petitioners:	1. Yallappa S/o Murthappa, Aged about 27 years, Occ: Tractor driver, R/o Devapura Bhovihatti village, Hosadurga Taluk, Chitradurga District.
	2. Manjunath.T. S/o Thimmaiah, Aged about 23 years, Occ: Coolie, R/o Honnenahalli village, Hosadurga Taluk, Chitradurga District.
	(By Sri. Dhananjaya R, Advocate)

/versus/

Respondent:	State by Hosadurga Police. (By the Public Prosecutor, Chitradurga)
--------------------	---

ORDER

This petition is filed under Section 482 of BNSS in respect of Hosadurga police station Cr.No.155/2026 registered for the offences punishable U/Ss.21(4), 4(1A) of Mines and Minerals Regulation of

Development Act and Sec.303(2) of BNS. It is opposed by the Learned Public Prosecutor by filing his written objections.

2. In this regard, now the following points would arise for my consideration:-

1. Whether accused No.1 and 2 are entitled for *anticipatory bail as prayed for?*

2. *What Order?*

3. On going through the case file and upon hearing the arguments of Sri.NSV Advocate for the accused and Learned PP for the State. Perused the file, my findings on the above points are as under:

Point No.1 – In the affirmative,

Point No.2- As per below, for the following:

REASONS

4. **Point No.1:-** The first information lodged by Shreeshaila, PSI of Hosadurga Police Station on 11.03.2026 at 4.15 a.m. would reveal that on the said day when he was in his police station and was discharging his duty as SHO, at about 04.00 a.m. he received a reliable information from his subordinates that these accused being driver and owner of Swaraj company tractor and trailer are illegally engaged in sand mining in Government stream situating at Mahalakshmpura. So on the basis of the said information, he registered the case suo moto and proceeded for investigation.

5. In the petition accused submit that they have not committed any offence as alleged; that a false complaint has been registered against their vehicle; that they are permanent residents of the address shown in the cause title owning movable and immovable properties; that no prima-facie case as such can be made out against them; that they are prepared to offer surety for their due appearance; that they would abide by the conditions to be imposed herein; that they will not tamper prosecution evidence nor threaten the

prosecution witnesses; that they will not leave the jurisdiction of this court and they will assist in the investigation etc, they pray to release them on bail.

6. On the other hand the prosecution contends that since these accused are engaged in illegal mining of sand so as to cause loss to the State exchequer, if they are let on bail they may continue to commit similar such offences having no fear of law; that as they are very influential persons they may win over its witnesses and tamper its evidence; that investigation is in progress and releasing of them on bail at this stage would adversely affect it; that they are repeatedly engaging in similar such activities; that they may abscond from the jurisdiction of the court and thereby cause delay in the investigation as well as trial. it prays to reject their petition.

7. On going through the case file, I am unable to find any material which would show the prima-facie involvement of these accused in the offences alleged. Surprisingly in the first information though the names of these two accused are mentioned in the complaint filed by the said Shreeshaila, but for the reasons best known to the said police in the Sl.No.6 of the FIR names of these accused have been left out. Moreover the offences alleged are not punishable with death or life imprisonment and the involvement of these accused in any other crime is not shown by the prosecution.

8. Apart from that except the complaint and FIR there is no other document to show that these accused were actually engaged in sand mining in the Government stream situating at Mahalakshnipura. There is no document to show that as a sequel to the complaint, the concerned police visited the place of occurrence, seized the tractor and trailer loaded with sand and reported the seizure along with the copy of the mahazar. When such is the case, only based on the contents of the complaint, it cannot be assumed or presumed that these accused are prima facie involved in the offences alleged. Except filing the objection statement, prosecution has not

produced any credible material to imagine that these accused are involved in the offences alleged. In the given facts and circumstances of the case, I have no other option except to admit them to bail, but subject to conditions. Accordingly, I answer this point in the affirmative.

9. **Point No.2:-** In the result, I proceed to make the following:

O R D E R

Petition filed U/Sec.482 of BNSS in respect of Hosadurga Police Station Cr.No.155/2026 registered for the offences punishable U/Ss.21(4), 4(1A) of MMDR Act and Sec.303(2) of BNS is allowed on their executing personal bond in a sum of Rs.50,000/- each with one surety for like sum to the satisfaction of arresting authority or to the jurisdictional court and subject to following conditions:

1. The accused shall furnish their mobile and WhatsApp numbers, email IDs (if any) and photocopy of Aadhaar cards of themselves and their sureties, along with contact number of their sureties, as per Circular at HCC No.48/2012 dated 30.06.2025 of Hon'ble High Court of Karnataka.
2. The accused shall cooperate with the IO in investigation and shall appear before him as and when directed.
3. The accused shall appear before the jurisdictional Court and before the jurisdictional police station within thirty days from the date of this order without extending any lame excuse.
4. The accused shall not tamper prosecution evidence nor threaten the prosecution witnesses.
5. The accused shall not indulge in any unlawful act or crime hereinafter.

(Dictated directly on AI software, transmitted to the Stenographer Grade-III, computerized by her, corrected and signed by me and then pronounced in the open Court on this the 27th day of March, 2026)

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.