



Presented on : 27-03-2026

Registered on : 27-03-2026

Decided on : 07-04-2026

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 7th day of April, 2026

Crl.Misc.325/2026

Petitioner:	Srinivasa. H. S/o Hanumanthappa.O. Aged about 45 years, R/o 3 rd Cross, 2 nd stage, Rajiva Gandhi Ashraya Badavane, Kavadigarahatti, Chitradurga
	(By Sri.S.Vijay Kumar, Advocate)

/versus/

Respondent:	Sharvani. P.N. Deputy Director office, Department of Mines and Geology, Chitradurga. (By the Public Prosecutor, Chitradurga)
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ORDER

Accused No.2 in CC No.1038/2023 pending on the file of Senior Civil Judge and JMFC, Molakalmuru has filed this petition U/S.438 of Cr.P.C. seeking anticipatory bail in respect of the offences U/Ss.21(1), 21(2), 42, 43, 4(1), 4(1A) of MMRD Act. It is contested by learned Public Prosecutor by filing his objections. Initially this case was with the Civil

Judge and JMFC, Molakalmuru at CC No.371/2023 and thereafter it is transferred to Senior Civil Judge and JMFC, Molakalmuru and it is re-numbered as CC No.1038/2023.

2. Heard the arguments of learned Public Prosecutor for the State and Sri.HTK advocate for the accused No.2. Perused the file. Now the following points would arise for my consideration.

1. Whether accused No.2 has shown that he is entitled for anticipatory bail as as prayed for?

2. What Order?

3. On going through the case file and submissions of both side, my findings to the above points are as follows :

Point No.1 – In the affirmative,

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

REASONS

4. **Point No.1:-** The complaint filed by Smt.Shravani, Geologist attached to the office of the Deputy Director of Mines and Geology, Chitradurga would show that on 01.12.2022 along with her colleagues she had been to the Mailanahalli village, Vedavati river bed in order to see the sand mining there. It is stated that the accused No.1 and 2 having obtained license to do sand mining there, they were found engaged in mining when the river was in its full flow and against the terms of license granted to them. Thus it is alleged that they have breached Rule.3, 42, 43 of Karnataka Minor Mineral Concession Rules and thereby

committed offences under section MMRD Act. It is further stated that these accused had mined nearly 300 metric tons of sand and had caused a loss to the tune of Rs.1,20,000/- to the State. Wherefore when complaint was filed by Smt. Shravani in her official capacity U/S.200 of CrPC, the jurisdictional court took cognizance and registered the case in Register No.III and issued process to the accused.

5. The case file show that even now the Senior Civil Judge and JMFC, Molakalmuru is struggling to get the presence of this accused No.2 in that case. In this background I have to examined whether there are sufficient materials to grant bail to him. As could be seen from the order sheet in CC No.1038/2023, already accused No.1 has appeared before the said court and he has been released on the bail. Whereas in order to get the presence of the accused, the said court has issued and reissued process to him and finally it has issued NBW to him on 13.03.2026. It shows that all these days accused avoid the court process and when warrant was came to be issued he is knocking the doors of this court. In order to avoid this kind of incidents, some amount of penalty has to be levied on him.

6. At any rate the offences alleged are not punishable with death or life imprisonment and involvement of this accused No.2 in any other crime is not shown. Moreover when the accused No.1 himself is admitted to bail on the ground of parity also, this accused No.2 is entitled for similar such order.

7. Added to that when the accused No.2 undertakes to obey the conditions to be imposed herein, it would be incorrect to reject his prayer and thereby give a clean chit to the IO to take him to their custody and remand him so as to damage his reputation once for all. Hence for the reasons noted herein above, stating that accused No.2 has made out a grounds for a grant of anticipatory bail as prayed for, I answer this point in the affirmative.

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

ORDER

Petition filed U/Sec.438 of Cr.P.C. filed by the accused No.2 in CC No.1038/2023 pending on the file of Senior Civil Judge and JMFC, Molakalmuru is allowed on his executing personal bond in a sum of Rs.50,000/- with one surety for the likesum to the satisfaction of the said court subject to the following conditions:

1. The accused No.2 shall furnish his mobile and WhatsApp number, email ID (if any) and photocopy of Aadhaar card of himself and his surety, along with contact number of his surety, as per Circular at HCC No.48/2012 dated 30.06.2025 of Hon'ble High Court of Karnataka.
2. The said accused No.2 shall appear before the said court within thirty days from the date of this order.

3. The accused No.2 shall not tamper prosecution evidence nor threaten the prosecution witnesses.
4. Accused No.2 shall not indulge in any unlawful act or crime hereafter.
5. Accused No.2 shall regularly attend the court proceedings unless he is exempted by the court.
6. Accused No.2 shall pay penalty of **Rs.2,000/-** before the jurisdictional court on the date of his appearance for recall of **NBW**.

(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 7th day of April, 2026)

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.

SG

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