

KACD010018102026



Presented on : 13-05-2026
Registered on : 13-05-2026
Decided on : 06-06-2026
Duration : 24 days

IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA

Present :- SRI. VEERANNA SOMASEKHARA
B.Com., LLB(Spl.)

1st Addl. Dist & Sessions Judge,
Chitradurga

Dated this 06th day of June 2026

Crl. Misc. No.505/2026

- Petitioners/Accused No.1 to 5:
1. Hussainpeer H. S/o Hussainkhan, Aged about 53 years, Private work, R/o Gowrasamudra Kavalu, Challakere Taluk, Chitradurga District.
 2. Yusoof H. S/o Hussainpeer H., Aged about 27 years, Private worker, R/o Gowrasamudra Kavalu, Challakere Taluk, Chitradurga District.
 3. Yasmin @ Yasmin Banu H. W/o Mohammed Sharif, Aged about 34 years, Housewife, R/o Bistuvalli village, Jagaluru Taluk, Davanagere District.
 4. Nasreen @ Nasreen Banu H. W/o Mohammed, Aged about 28 years, Housewife, R/o Kenchammanahalli, Kudligi Taluk, Vijayanagara District.
 5. Aslam H. S/o Hussain Peer, Aged about 32 years, private worker, R/o

Gowrasamudra Kavalu, Challakere Taluk,
Chitradurga District.

(By Sri. V.M. Thippeswamy, Advocate)

/Vs/

Respondent : State by: Thalak Police

(By Public Prosecutor, Chitradurga)

ORDERS ON BAIL PETITION

The petitioners/accused No.1 to 5 have filed this petition U/Sec.438 of Cr.P.C./U/Sec.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to grant an anticipatory bail in their favour in respect of Cr.No.78/2026 registered by the respondent police against them for the offences punishable U/S.189(2), 191(2), 329(3), 352, 115(2), 76, 351(2), 351(3) R/w Sec.190 of Bharatiya Nyaya Sanhita, 2023.

2. The Brief facts that leads to the petition are as under:-

The respondent police have registered the case in Cr.No.78/2026 against the petitioners for the offences punishable U/S.189(2), 191(2), 329(3), 352, 115(2), 76, 351(2), 351(3) R/w Sec.190 of Bharatiya Nyaya Sanhita, 2023 on the basis of complaint lodged by one Smt. Chandini W/o Dadavali, resident of Gowrasamudra Kavalu Village, Thalak Hobli, Challakere Taluk.

3. It is mentioned in the complaint that, on 06.04.2026, the complainant and her husband were went Challakere for attending their relatives marriage held at Challakere. After completion of the marriage, on 08.04.2026 at about 2.30 p.m., they were returned to their village and on the same day at about 6.30 p.m., the complainant and her husband were went to their ownership land situated near their

village and observed/saw that, somebody were transporting the soil by digging the pit in their ownership land. After seeing the same, the husband of the complainant has informed the said fact to his younger brother Hussain over a phone call and at that time, all the accused persons in furtherance of common object have formed themselves into an unlawful assembly and came to the spot and wrongfully entered into the complainant's ownership land and picked up quarrel with the husband of the complainant stating that, they are digging the pit in the land.

4. At that time, the accused No.1 has abused the complainant in filthy language and also with an intention to outrage the modesty of her, he has dragged the nighty of the complainant and also the accused No.2 abused the complainant in filthy language and the accused No.3 to 5 have dragged the complainant and her husband and assaulted them with their hands and legs and gave life threat to the complainant and her husband with dire consequences. Thereafter the accused No.5 has kicked the complainant by holding her hands and due to which, she fell down on the ground. At that time, Sri Pandu and Sri Ismail of the said village have come to the spot and pacified the quarrel.

5. Thereafter the complainant and her husband have returned to their house and later they have informed the said fact to the elders of their village and at that time, the elders of the village have told to the complainant that, they will advise the accused persons. But in the meantime, the accused persons have filed the complaint against the complainant and others, as such thereafter the complainant has rushed to the police station and lodged the complaint before the

respondent police against the petitioners/accused persons in respect of the above said incident requesting to take action against them.

6. Based on the above said first information, the respondent police have registered the case in Cr.No.78/2026 against the accused persons for the offences punishable U/S.189(2), 191(2), 329(3), 352, 115(2), 76, 351(2), 351(3) R/w Sec.190 of Bharatiya Nyaya Sanhita, 2023. Hence, at present, the petitioners/accused persons are apprehending their arrest at the hands of respondent police have filed this petition seeking to grant an anticipatory bail in their favour.

7. The petitioners have contended in the bail application that, they are innocent and have not committed any offences as alleged in the complaint and also they are the permanent resident of Gowrasamudra Kavalu, Challakere Taluk and have got deep roots in the society. Further the petitioners have contended in the bail application that, they undertakes to appear before the court on all the dates of hearing without fail, as such at this stage, if the respondent police have arrested them and detained them in the custody, then their family members will be suffered lot and it will cause inconvenience to them. Further the petitioners have contended in the bail application that, there is no prima facie case against them and also they are private workers and maintain their aged parents, children and family members.

8. Further the petitioners have contended in the bail application that, they are ready to furnish the surety for the satisfaction of the court and ready to abide by any of the conditions that may be imposed by the court. On these among other grounds, the petitioners

have sought this court to grant an anticipatory bail in their favour as prayed for.

9. On issuance of notice, learned public prosecutor has appeared and filed the objections to the bail application, wherein, he has reiterated the contents of complaint lodged by the complainant and contended that, since from the date of registration of the case, the petitioners/accused persons are absconded and now they have filed this petition before this court seeking to grant an anticipatory bail in their favour, as such, at this stage, the petitioners are not entitled the anticipatory bail as prayed for in this petition.

10. Further the learned public prosecutor contended in the objections that, at this stage, there is a prima-facie materials available against the petitioners and still the investigation of the case is under progress, as such, at this stage, if the anticipatory bail is granted in favour of the petitioners, then there is every chance of committing the similar offences by the petitioners and also they may gave life threat to the complainant and her family members and also there is every chance of destroy the prosecution evidence by the petitioners, as such, at this stage, the bail application filed by the petitioners is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the petitioners/accused No.1 to 5.

11. Heard the arguments of both the sides and perused the records.

12. The following points that would arise for my consideration are:-

- 1) Whether the petitioners/accused No.1 to 5 have made out a sufficient grounds for grant of anticipatory bail in their favour as prayed for ?
- 2) What order ?

13. My finding on the above points are as under:

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

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

REASONS

14. **POINT No.1:-** During the course of arguments, learned counsel for accused/petitioners argued by reiterating the contents of bail application filed by the petitioners and submits that, on perusal of the contents of the complaint itself shows that, there is some dispute between the family of the complainant and family of the petitioners regarding digging of pit in the complainant's ownership land. Further he argued that, on perusal of the contents of the complaint, it shows that, admittedly there was a delay of 04 days in lodging the complaint, as such, there is a doubt regarding the occurrence of alleged incident as mentioned in the complaint. Further he argued that, though the offences alleged against the petitioners are non-bailable in nature, but not punishable either with death or imprisonment for life and the said offences are exclusively triable by the learned JMFC Court, as such, at this stage, if the respondent police have arrested the petitioners and detained them in the custody, then the entire family members of the petitioners will be suffered lot.

15. Further learned counsel for the petitioners argued that, on perusal of the contents of the complaint, it shows that, admittedly the

complainant and her husband have not sustained any grievous injuries in the alleged incident, as such, at this stage, if the anticipatory bail is not granted in favour of the petitioners as prayed for, then the entire family of the petitioners will be suffered lot. Contending the above facts, learned counsel for the petitioners/accused prays to grant an anticipatory bail in favour of the petitioners by allowing the bail application filed by them.

16. On the other hand, learned public prosecutor argued by reiterating the contents of objections filed by him and submits that, the offences alleged against the accused are non-bailable in nature and still the investigation of the case is under progress, as such, at this stage, if the anticipatory bail is granted in favour of the petitioners, then there is every chance of committing the similar offences by the petitioners and also there is every chance of threatening the prosecution witnesses by the petitioners, as such, at this stage, the bail application filed by the petitioners is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the petitioners.

17. On perusal of the records, it shows that, along with the bail application, the petitioners have produced the certified copy of FIR and complaint in Cr.No.78/2026 of Thalak Police.

18. On perusal of the contents of the certified copy of FIR and complaint in Cr.No.78/2026 produced by the petitioners, prima facie it shows that, there is some dispute between the family of the complainant and family of the petitioners regarding digging of pit in the complainant's ownership land. Further on perusal of the contents of the above said documents produced by the petitioners, it shows that,

admittedly there was a delay of 4 days in lodging the complaint by the complainant. On the other hand, on perusal of the contents of above said documents, prima facie it shows that, admittedly the complainant and her husband have not sustained any grievous injuries in the alleged incident.

19. Further it is pertinent to note that, the offences alleged against the petitioners are though non-bailable in nature, but not punishable either with death or imprisonment for life and the said offences are exclusively triable by the Sessions Court. On the other hand, on perusal of the materials available on record, it shows that, earlier there are no any criminal antecedents against the petitioners/accused persons.

20. Further on perusal of the contents of the objections filed by the learned public prosecutor, prima-facie it shows that, during the course of investigation, the investigation officer has already visited the spot and conducted the spot panchanama in the presence of panchas. Considering the above facts, I am of the opinion that, at this stage, the presence of the accused/petitioners are not required to the investigation officer for the purpose of investigation of the case.

21. Further, at the time of considering the bail application, the Court has to consider whether the petitioners are required for investigation and their presence could be secured at the time of trial as well as during investigation. Whether the petitioners/accused have committed the offences alleged against them or not has to be thrashed out during the trial and it is too early to express any opinion on it. On the other hand the apprehension of the prosecution can be met by imposing certain stringent conditions.

22. Considering the above facts and circumstances of the case and looking to the nature of the offences alleged against the petitioners and for the above reasons, I am of the opinion that, at this stage, the petitioners have made out a good grounds to grant an anticipatory bail in their favour as prayed for, as such, at this stage, if the bail application filed by the petitioners is allowed by exercising the discretion of this Court and by imposing some stringent conditions certainly it would meet the ends of justice. Accordingly, I answer this point in the **Affirmative**.

23. **POINT No.2:** In view of the above discussion and findings on point No.1, I proceed to pass the following:

ORDER

The bail application filed by the petitioners/accused No.1 to 5 U/Sec.438 of Cr.P.C./U/Sec.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.

The respondent police are hereby directed to release the petitioners/accused No.1 to 5 in case of their arrest in Crime No.78/2026 of Thalak P.S., for the offences punishable U/S.189(2), 191(2), 329(3), 352, 115(2), 76, 351(2), 351(3) R/w Sec.190 of Bharatiya Nyaya Sanhita, 2023 after executing their personal bonds for a sum of Rs.50,000/- (Fifty thousand only) each with one surety for like sum subject to the following conditions.

(1) The petitioners shall appear before the respondent-Police within 15 days from the date of this order.

(2) The petitioners shall not tamper the prosecution witnesses in any manner and shall not make any efforts to destroy the evidence to be collected by the investigation officer.

(3) The petitioners shall appear before the respondent police whenever their presence are required to the I.O. for the purpose of investigation of the case.

(4) The petitioner No.1 to 5 and their sureties shall furnish their sufficient address proof before the I.O./respondent police.

(Dictated to the Stenographer Grade-III directly on computer, typed by her, corrected by me in the computer, print out taken and then pronounced by me in the open court this the 6th day of June-2026).

(Veeranna Somasekhara)
1st Addl. Dist & Sessions Judge,
Chitradurga.

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