

KACD010018712026



**IN THE COURT OF THE PRINCIPAL DISTRICT &
SESSIONS JUDGE AT CHITRADURGA**

PRESENT:

**Sri.G.D.Mahavarkar, M.A.,LL.B(Spl),
M.L. (Lab & Indstrl Rlns & Adm. Laws),
LL.M (Business Laws), M.Phil-in-Law
(Juridical Science)
Principal District & Sessions Judge, Chitradurga**

Dated this the 25th day of June 2026

Crl.Misc.No. 525/2026

- Petitioner/s : 1. Ranganatha
(A1 to 6) S/o Govindappa,
Aged about 31 years,
Occ: Driver of Tractor bearing
Reg.No.KA-16-TD-5694,
Trailor Chassis No.
NT11312025.
2. Govindappa
S/o Rangappa,
Aged about 60 years,
Occ: Owner of Tractor bearing
Reg.No.KA-16-TD-5694,
Trailor Chassis No.
NT11312025.
3. Udaykumar. R.
S/o Rangaswamy,
Aged about 28 years,
Occ: Driver of Tractor Trailor
bearing Reg.No.KA-16-TD-3563,
Trailor Chassis No.ST/5T/259/2024.

KACD010018712026



4. Rangaswamy S/o Utterappa,
Aged about 60 years,
Occ: Owner of Tractor Trailor
Bearing Reg.No.KA-16-TD-3563,
Trailor Chassis No.ST/5T/259/2024.

5. Basavaraj. S. S/o Shivanna,
Aged about 27 years,
Occ: Driver of Tractor bearing
No.KA-16-TE-0505,
Trailor No.KA-16/TE-1296.

6. Shivanna S/o Mahalingappa,
Aged about 53 years,
Occ: Owner of Tractor-Trailor,
Bearing No.KA-16-TE-0505,
Trailor No.KA-16-TE-1296.

All are R/o Doddaghatta,
Hiriyuru Taluk,
Chitradurga District.

(By Sri. Abdul Jaleel Zulfiquar. Advocate)
Vs.

Respondent : The State of Karnataka,
(Complainant) Reptd., Hiriyuru Rural P.S.

(By Public Prosecutor, Chitradurga)

* * * *

ORDER

This is a Crl. Misc. No. 525/2026 filed by
the instant petitioners/accused persons

KACD010018712026



U/Sec.482 of B.N.S.S.-2023 seeking for the grant of anticipatory bail in Hiriyyuru Rural Police Station Cr.No.117/2026 registered for the offences punishable U/Secs.42, 43 & 44 of Karnataka Minor Mineral Consistent Rule, 1994 & Sec.303(2) of BNS-2023.

2. The epitomized-contents of the complaint and F.I.R. run thus :

On 27.03.2026 at about 1.30 a.m., in the early morning hours, in the gomala land belonging to the government situated at Doddaghatta village, the Tractor bearing Reg.No.KA-16-TD-5694, Tractor bearing Reg.No.KA-16-TD-3563, Tractor bearing Reg.No.KA-16-TE-0505, with the Trailor loaded with soil was being under the transportation by the instant petitioners/accused No's.1 to 6 without obtaining the government license or permit from the concerned authority for the

KACD010018712026



purpose of selling the same in the black-market for earning money unlawfully and thereby, the accused persons committed the offences punishable U/Secs.42, 43 & 44 of Karnataka Minor Mineral Consistent Rule, 1994 & Sec.303(2) of BNS-2023.

3. The contents in nut-shell and grounds endeavored to urge in the bail-petition run thus;

Basing on the complaint lodged by the complainant, the Hiriyuru Rual P.S. police having registered the case at Cr.No.117/2026 for the alleged offences punishable U/Sec.42, 43 & 44 of Karnataka Minor Mineral Consistent Rule, 1994 & Sec.303(2) of BNS-2023, the I.O. started searching the instant-petitioners, wherefore, they being under the apprehension of their arrest by the respondent/police, are inclined

KACD010018712026



to move the instant-petition, seeking for the anticipatory bail U/Sec.482 of B.N.S.S.-2023 on the following amongst the other grounds;

GROUND

- (1) The petitioners/accused No's.1 to 6 are innocent of the alleged offences, since they have not committed the same at-all.
- (2) The alleged offences are neither punishable with life imprisonment nor death sentence.
- (3) The instant accused No's.1 to 6/petitioners have been falsely implicated in the instant case on hand, with an ill-motive.
- (4) The instant petitioners/accused No's.1 to 6 being the permanent residents of Village/Town/City in the address as detailed in the cause title, having movable & immovable properties within the jurisdiction of

KACD010018712026



this Court, and their entire families are depending on them.

- (5) The petitioners/accused No's.1 to 6 are ready and willing to abide by the conditions if imposed by this Court and also ready and willing to furnish surety to the satisfaction of the Court if they are enlarged on bail by this Court.

Hence, prayed for allowing the instant bail petition by granting the anticipatory-bail, accordingly.

4. Per contra, the learned Public Prosecutor has filed his sturdy objections resisting and denying almost all the contents of the main petition, reiterating the contents of the Complaint & FIR, & further contended that, the I.O. has recorded the statements of the witnesses and also drawn the spot mahazar and therefore, prima-facie, there is sufficient material as against the

KACD010018712026



instant petitioners/accused No's.1 to 6 for they having committed the said alleged offences which are absolutely non-bailable in nature and in case if they are enlarged on bail, the said petitioners/accused persons are likely to flee-away from justice and remain as chronic absconders which certainly tantamounts to be the greater impediment for further investigation by the I.O. & also for further trial before the court and also they are likely to threaten, tamper and lure the prosecution witnesses and destroy the material evidence and also likely to reiterate the similar commission of offences as against the instant complainant and also create the law and order problem in the society without having any regards towards the law and therefore, the petitioners/accused No's.1 to 6 does/do-not deserve for anticipatory bail at this point of juncture in the instant case. Hence,

KACD010018712026



prayed for rejecting/dismissing the instant-petition.

5. Having heard both the learned counsel for the instant-petitioners/accused No's.1 to 6, and the learned Public Prosecutor/respondent and perused the entire-material placed on record, the points that arise for consideration are as under:

- (1) Whether the instant-petitioners/accused No's.1 to 6 have made-out the substantial and reasonable-grounds for the grant of anticipatory-bail by resorting to the special-powers U/Sec.482 of BNSS-2023, vested with this court?

- (2) To what order?

6. The answers to the above points are:

- Point No.1: In the Affirmative.

KACD010018712026



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

R E A S O N S

7. **Point No.1:-** Admittedly, the Hiriuru Rural P.S. police have registered the Cr.No.117/2026 for the alleged offences punishable U/Sec.42, 43 & 44 of Karnataka Minor Mineral Consistent Rule, 1994 & Sec.303(2) of BNS-2023.
8. It is not in dispute that, the case is still under the crime stage with the progress in the investigation by the I.O., for which, he may require sufficient time to complete the investigation and submit the charge-sheet before the concerned Court.
9. It is submitted by the learned counsel for the instant petitioners/accused No's.1 to 6 that, the accused No.1,3 & 5 are the drivers of the said tractors and the accused No.2,4 and 6 are the

KACD010018712026



owners of the said Tractors and they were shifting the soil from their own landed properties in their own lands for levelling the land purpose, but, the accused persons have been falsely implicated in this case by the concerned police, though they are innocent of the alleged offences and moreover, none of the alleged offences are either punishable with life imprisonment or death sentence.

10. Per contra, the learned Public Prosecutor has vehemently submitted that, the accused persons were stealthily shifting the said soil from the government land i.e., the gomala land without permit or license from the concerned authority of the government and the said alleged offences are heinous in nature, wherefore, they do not deserve for any leniency.

KACD010018712026



11. Considering the rival submissions of both the sides, coupled-with the material available on record, it is undisputed fact that the accused No's.1,3 & 5 are the drivers of the said Tractors, whereas the accused No's.2,4 & 6 are the owners of the said Tractors.
12. It is pertinent to note that, it is the contention of the petitioner's side that, they were shifting the said soil from their own land to other owners land for the leveling purpose and this particular defence taken by the instant petitioners/accused No's.1 to 6 being the matter of evidence, it can be dealt-with and determined regarding it's genuinity only after passing through the full-dressed trial, but, at this point-of-juncture, nothing can be arrived-at, wherefore, it requires its own-time and therefore, I feel that, it will not be proper to

KACD010018712026



keep the instant-petitioners/accused No's.1 to 6 behind the bars.

13. In addenda of the same, none of the alleged offences either punishable with life imprisonment or death sentence.
14. Looking to all these circumstances prevailing herein, I do not find any sturdity from the prosecution's side to withhold the instant-petitioners/accused No's.1 to 6 behind the bars, whereas, on the other hand, the instant-petitioner/accused No's.1 to 6 have made-out reasonable grounds to entitle them with the anticipatory bail U/s 482 of BNSS-2023 as sought-for in the main petition.
15. At this point-of-juncture, it would not be proper on the part of the instant Court to hold the mini trial by this Court & pass any remarks on the merits of the case.

KACD010018712026



16. It is no-doubt, the learned Public Prosecutor has endeavoured to make-out the sturdy apprehension, in case, if the instant-petitioner/accused persons are enlarged on bail, at this point-of-juncture.
17. But, on the other-hand, the instant petitioners/accused persons have taken the contention in the main-petition itself that, they are ready to abide by the conditions, if imposed by this Court and to ensure the same, they are ready to furnish the security and surety to the satisfaction of the concerned Court.
18. Therefore, if the instant petitioners are enlarged on bail, by imposing the stringent conditions, the very apprehension of the prosecution can be meted-out & over-come.
19. It is a well-settled principle of law laid-down by the Hon'ble Supreme Court of India and the

KACD010018712026



various Hon'ble High Courts in India that, if the accused is able to be secured at-an-ease, then there is no necessity of detaining him/her/them behind the bars, except under the extraordinary/special-circumstances which require his/her/their utter-detention by depriving him/her/them from his/her/their fundamental-right/s of liberty and freedom under Article 21 of the Indian Constitution.

20. In addition to the same, it is also a well-settled principle of law that, "Bail is a rule and Jail is an exception."
21. Therefore, under these circumstances, I am of the clear opinion that, the instant case is a fit case for granting the anticipatory bail, in favour of the instant-petitioners/accused No's.1 to 6.
22. Therefore, with these observations, desisting to refute the grant of anticipatory bail U/Sec.482

KACD010018712026



of B.N.S.S.-2023 in favour of the instant petitioner/accused, I am inclined to answer the Point No.1 in the 'Affirmative'.

23. **Point No.2:-** For the reasons discussed at much-length herein before supra, while answering the Point No.1 in the Affirmative, I am inclined to proceed to pass the following:

O R D E R

The instant Crl.Misc. Petition No.525/2026 filed by the instant-petitioner/accused U/Sec.482 of B.N.S.S.-2023 seeking for the grant of anticipatory-bail in anticipation of his arrest by the Hiriuru Rural P.S. in it's Cr.No.117/2026, registered for the alleged offences punishable U/Sec.42, 43 & 44 of Karnataka Minor Mineral

KACD010018712026



Consistent Rule, 1994 & Sec.303(2) of BNS-2023, is hereby allowed.

It is hereby further ordered that, the instant-petitioners/accused No's.1 to 6, shall be enlarged on bail in the event of their arrest by the respondent-police, on executing the personal-bond for a sum of ₹1,00,000/-, each with one surety for like-sum to the satisfaction of the concerned police/court, subject to the following;

CONDITIONS

1. The instant-petitioners/accused No's.1 to 6, shall appear before the concerned respondent-police within 10 days from the date of this order.
2. The instant-petitioners/accused No's.1 to 6, shall make themselves available to the concerned respondent-police for

KACD010018712026



further-investigation as and when he is required and called-for.

3. The instant-petitioners/accused No's.1 to 6, shall not tamper or lure or threaten the prosecution-witnesses in any manner.
4. The instant-petitioners/accused No's.1 to 6, shall not hamper or flee-away from the trial of the case in any-way either directly or indirectly.
5. The instant-petitioners/accused No's.1 to 6, shall neither involve themselves nor commit any similar-offences.
6. The instant-petitioners/accused No's.1 to 6, shall be regular before the trial-court on each and every-date of hearing, without remaining absent, even on a single date of hearing, except under the rarest of the rare exigencies during the trial

KACD010018712026



till the disposal of the case before it on merits.

7. The instant-petitioners/accused No's.1 to 6, and their surety shall produce the authenticated-documents of their personal-identification with their recent-color-photographs and permanent-residence or place of abode, as proof of their residence, which shall form the part of the charge-sheet or case-file before the concerned court.
8. The instant-petitioners/accused No's.1 to 6, shall mark his attendance once in 15 days on every alternative Sunday between 6.00 a.m. in the morning and 10.00 p.m. in the night in Hiriyuru Rural P.S, before the SHO, in respect of which the said SHO, shall maintain the muster-roll and keep-on informing the concerned

KACD010018712026



court once in 3 months regularly, till the charge-sheet is submitted by the I.O., before the trial court.

9.It is needless to explicit that, infringement of any of the afore-imposed conditions by the instant – petitioners / accused No's.1 to 6, will deemingly bestow the liberty to the prosecution to move for the cancellation of the present-bail, without issuance of prior-notice.

(Dictated to the Steno Grade-III, transcribed by her and after corrections, printout taken and then pronounced and signed by me in the open Court, on this the 25th day of June 2026)

(G.D.Mahavarkar)
Prl. District & Sessions Judge,
Chitradurga.