

KACN300002072026



Presented on : 04-06-2026
Registered on : 04-06-2026
Decided on : 12-06-2026
Duration : 08 Days

**IN THE COURT OF I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, CHAMARAJANAGARA [SITTING AT KOLLEGALA].**

DATED THIS THE 12th DAY OF JUNE, 2026

Present

Sri. T.C. SRIKANTH, B.Com, LL.B.
Addl. District & Sessions Judge,
Chamarajanagara [Sitting at Kollegala].

Crl. Misc. No.5079/2026

Petitioners:

1. Nagaraju,
S/o Veerabhadra,
Aged about 39 years,
2. Basavaraju
S/o Veerabhadra
Aged about 38 years,

Both R/at Dasanapura village,
Kollegala Taluk,
Chamarajanagara District.

[By Sri.M.M. Prasad, Advocate]

V/s

Respondent : State by Kollegala Town P.S.,

Chamarajanagara District.

[Rep. by Public Prosecutor]

ORDER

This is an application filed by the petitioners U/s. 482 of Bharatiya Nagarika Suraksha Sanhitha, 2023 ('BNSS' for short) praying for grant of anticipatory bail, in Crime No.76/2026 of the respondent police station, for offence punishable under Sections 303(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Facts of the case in a nutshell as per the FIR filed by the respondent police are that, on 1.6.2026 at 4.00 am, the complainant received a credible information that sand is illegally being transported on Dasanapura road, after committing theft of the same from Cauvery river in the middle of Dasanapura – Hale Hosa Hamapura by loading the same in a bullock-cart. On receiving the said information, the complainant along with her staff reached the spot at 4.15 am, and observed that two persons were coming in bullock-cart on Dasanapura road by loading the sand. On seeing the police jeep coming, the said persons left the cart loaded with sand and ran away along with the bullocks. On search of the bullock-cart the complainant found the sand just loaded. On enquiry with the informant, the complainant came to know that the petitioners were the

persons who were illegally transporting the sand by committing theft without any license and without paying any royalty to the government. Hence, the complaint.

2[a]. The petitioners are apprehending their arrest at any time by the respondent police. They submit that they are innocent of the alleged offence and that they would abide by all the conditions that may be imposed on them. They have prayed for their release on anticipatory bail in the event of their arrest by respondent police.

3. The learned Public Prosecutor has resisted the bail petition by filing statement of objections and has prayed for dismissal of the petition.

4. I have heard the arguments and perused the materials available on record.

5. Now, the following points will arise for my consideration and determination.

1. *Whether the petitioners have made out a prima-facie case for grant of anticipatory bail as prayed for?*

2. *What Order?*

6. My findings on the above said points are as under:

Point No.1: In the affirmative.

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

REASONS

7. **Point No.1:** The petitioners have furnished certified copies of FIR in Crime No.76/2026, complaint, etc., According to prosecution the petitioners have committed the offence punishable under Sections 303(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita 2023 ('BNS 2023' for short).
8. Though the alleged offence against the petitioners are non-bailable in nature, but not punishable with death or imprisonment for life. The allegation against the petitioners is that, they have committed theft of sand from Cauvery river and transporting the same without any license and paying royalty to the government. As per the FIR, the complainant has seized the cart along with the sand from the spot. Hence, the petitioners are not required for custodial interrogation by the respondent police. Hence, well-dressed trial is required. The petitioners are the permanent residents of the address mentioned in the cause title which is not in dispute. They can be secured for trial. Accordingly, I am of the opinion that the petitioners are entitled for bail. Accordingly, above point No.1 is answered in the affirmative.

9. **Point No.2:** For the above said discussion, I proceed to pass the following:

ORDER

The Crl. Misc. Petition filed by the petitioners U/s. 482 BNSS is allowed.

The respondent police are directed to release the petitioners on bail in the event of their arrest, in connection with the Crime No.76/2026 filed by the respondent subject to the following conditions:

1. The petitioners shall appear before the Investigating Officer within 25 days from the date of this order and in that event, the Investigating Officer shall release them on bail by obtaining a personal bond for a sum of Rs.1,00,000/-, with one surety for the like sum.
2. The petitioners shall co-operate with the Investigating Officer during investigation.
3. The petitioners shall put their attendance before the jurisdictional police on every Saturday, until charge sheet is filed in the case.
4. The petitioners shall not directly or indirectly make any inducement, threat, promise or influence the witnesses or any person acquainted with the facts of the instant case so as to dissuade him from disclosing such facts either to the Court

or to the Investigating Officer and shall not tamper the evidence.

5. The petitioners shall produce an authenticated proof of their residential address mentioned in the cause title of this petition before the I.O. while executing the bond.

[Dictated to the Stenographer directly on the computer, typed by him, revised and corrected and then pronounced by me in the open Court on this the 12th day of June, 2026].

[T.C. Srikanth]

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].