

KADG010018212026



Presented on : 11-06-2026
Registered on : 11-06-2026
Decided on : 24-07-2026
Duration :00years, 01month,13days

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./493/2026

PETITIONER/s : -

1. Ajjay S/o Dandeppa
23 years, R/o Budal road,
1st Main, 12th Cross, SPS Nagar,
Davanagere City.
2. Parashurama S/o Nagappa,
21 years, R/o Nittur village,
Harihar Taluk, Davanagere District.
3. Aruna S/o Lokesh
23 years, R/o 2nd Main,
6th Cross, Gandhi Nagar,
Davanagere District.
4. Annappa S/o Lekkappa,
22 years, R/o Near Vidyanagar

Last Bus-Stop, Davanagere District.

5. Rakesh Naik S/o Thippesh Naik
21 years, R/o Budal Road, 1st Main
12th Cross, SPS Nagar, Davanagere.

6. Pradeep S/o Lakshmappa,
24 years, R/o Chikkabudilhal
Behind B.M.2nd Colony,
Davanagere City.

(By Sri.Ramesha.P Advocate)

VERSUS

RESPONDENT:

State of Karnataka represented
by PSI, Rural Police Station,
Davanagere.

(By Public Prosecutor, Davanagere)

ORDER ON PETITION FILED U.SEC.482 OF BNSS

1. The petitioners / Accused No.1 to 7 have filed above petition under Sec.482 of BNSS seeking grant of anticipatory bail in the event of their arrest in respect of Crime No.436/2025 of Respondent-Police for the offences punishable under Sec.331(4) and 305 of BNS, 2023.
2. The grounds urged for grant of bail are as under :-

a) The petitioners are said to be innocent of the offences alleged and have been falsely implicated in the case. They are under the apprehension of arrest by the respondent police in the aforesaid Crime.

b) The petitioners are said to be the law abiding citizens and have no criminal antecedents. They are doing coolie work for their livelihood.

c) The petitioners are said to be the permanent residents of the address mentioned in the cause title of the petition, and to have deep roots in the society. Hence there is no chance to flee away from justice.

d) The petitioners have being the sole earning members have the responsibility to look after their old aged parents, wife and children. If the bail is not granted, they would put to irreparable loss. The petitioners are no way concerned with the alleged crime.

e) The petitioners undertakes to abide by the conditions that may be imposed by the Court and also not to tamper the prosecution witnesses. Hence sought for grant of anticipatory bail.

3. The learned Public Prosecutor has filed objection to the above petition contending that, the alleged offences are serious in nature. The offence under Sec. 305 of BNSS

is punishable with imprisonment up to 7 years. The investigation is pending and there is need to arrest the accused persons and to enquire them about the incident. There is need to record statement of the witnesses and to collect the wound certificate of the injured. Further the I.O has to seize the weapons used for commission of the offence and also to collect the relevant documents pertaining to the place of incident. At this stage the accused are not entitled for grant of anticipatory bail, as there is every possibility of absconding and causing impediment to the fair investigation and trial of the case, therefore has sought for rejection of the bail petition.

4. Heard learned counsel for the petitioners and learned Public Prosecutor for the Respondent. Perused the records.

5. On hearing the bail petition, the points that arise for consideration are : -

1) Whether the petitioners/Accused No.1 to 6 have made out grounds for grant of anticipatory bail vide under Sec.482 of B.N.S.S in Cr.No.436/25 of Rural PS ?

2) What order ?

6. The Point No.1 is answered in the Negative, and point No.2 as per final order and for the following:-

R E A S O N S

7. **Point No.1:** - As per FIR, Crime No.436/2026 has been registered by Respondent Police for the offences punishable under Sec.305 and 331(4) of BNS, 2023, on the complaint lodged by the complainant Manjunatha on 28/12/2025. The place of crime is described as, Ranganatha Bar, Basaveshwara Badavane, Kakkaragolla Village, Davanagere. The name of the petitioner finds place in the Col.No.6 of the FIR as A.1 to 6.

8. The gist of the complaint is that, since 10 years the complainant to be working as Cashier at Ranganatha Bar owned by one Prabhakar of Kakkaragolla village. On 27.12.2025 at about 10.20 PM after closure of the work the complainant along with his colleague cashier by name Yerriswamy closed the shop and went away. On the next day ie., on 28.12.2025 as usual at about 10 AM when they opened the shop they found the zink sheets put to the roof and back side of the shop was opened and on

checking the Stock there was no stock. Accordingly, when they checked the CCTV they found that during night at 2.30 AM to 3 AM accused who had covered his face by means of a cloth to have entered into the shop and committed theft of cash and liquor pouches. On checking the liquor stock, it was found that, there was theft of liquor pouches worth Rs.1,83,590 of different brands and cash of Rs.31,690/- from the counter. Accordingly, lodged complaint against the accused.

9. Learned counsel for the petitioners have produced certified copies of the FIR, complaint in Cr.No.436/25, along with Aadhar Cards.

During the course of hearing on the bail petition, learned counsel for the petitioners has filed memo stating that the petition is not pressed against petitioner No.7. Therefore, the present petition is only in respect of petitioners No.1 to 6 only.

10. In the Report of the I.O submitted by the learned PP, wherein it is stated about the investigation to be still pending, and there is need for arrest of accused for interrogation about theft of liquor pouches and money, to record statements of the witnesses and to collect the

relevant documents about the alleged incident, documents pertaining to the place of offence. Further, apprehended that in case if the accused are granted bail, there is possibility of absconding of the accused, destruction of the evidence and repetition of same offence to make unlawful gain.

11. On going through the records, it is evident that the incident has taken place on 28.12.2025 in the early hours, and the FIR has been registered on the same day itself. As per FIR the name of the accused is shown as 'unknown'.

It is pertinent to note here that, as per report of the I.O, during the course of investigation, on the basis of the CCTV Footage and on the basis of the report obtained from some other police stations, it was revealed that the accused persons who were involved in Cr.No.19/2025 of Hadadi Police Station, also to have indulged in the present Crime. In the said case, during the course of investigation the accused No.1 to 7 were said to be arrested and during the course of interrogation they are said to have confessed about theft committed by them in Ranganatha Bar of Kakkaragolla village, and hence

they were remanded to JC. In the said case the accused No.1 to 7 to have obtained bail and thereafter they are said to be absconding.

12. On going through the complaint and FIR it has been clearly stated that on checking the CCTV Footage it was found that, during early hours on 28.12.2025 at 2.30 AM to 3 AM one person had entered into the Ranganatha Bar and committed theft of liquor pouches worth Rs.1,83,590 of different brands and cash of Rs.31,690/-. However, the present bail petition has been filed by Petitioners No.1 to 7. Therefore, doubt creates as to how the present petitioners are connected to the present case. Further, as per report of the I.O, earlier the accused/ petitioners also involved in Crime No.19/2025 of Hadadi PS and in the said case to have obtained bail, and later they are said to be absconding. Therefore, it appears that the petitioners to be habitual offenders.

Considering the facts and circumstances of the case, the apprehension of the learned PP about possibility of the accused abscond and repeat similar offences and put hurdles in the fair investigation and trial of the case, cannot be brushed aside. Further, the petitioners have not made out reasonable grounds for

grant of anticipatory bail as required under Sec.438 of IPC/ S.482 of BNSS. Such being the case, the petitioners are not entitled for the discretionary relief of grant of anticipatory bail, and hence the point for consideration is answered in the Negative.

13. **Point No.2** :- In view of the above finding on point No.1, I proceed to pass the following :--

O R D E R

The petition filed by petitioners No.1 to 6/ accused under Sec.482 of BNSS is hereby dismissed.

(Dictated to Stenographer Gr.1, transcript corrected, signed and pronounced by me in the open Court on this the 24th day of July, 2026.)

(Vela.D.K)
**Prl. District & Sessions Judge,
Davanagere.**