

KADW010024742026



Presented on : 04.07.2026
Registered on : 06.07.2026
Decided on : 22.07.2026
Duration : 00 years, 00 months, 16 days

**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, AT: DHARWAD.**

DATED THIS THE 22nd DAY OF JULY, 2026.

Present:

SMT. POORNIMA N. PAI
B.Com.,LL.M.
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.

CRIMINAL MISCELLANEOUS CASE No.346 / 2026.

PETITIONER : Mounesh S/o. Rudrappa Badiger,
Age: 50 years, Occ: Business,
R/o. Garag, Taluk & District Dharwad.

(By Shri. Narayan N.B, Advocate)

Vs.

RESPONDENT : The State of Karnataka,
Through Garag Police Station,
R/by Public Prosecutor, Dharwad.

(By Public Prosecutor, Dharwad.)

ORDER

Petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in Crime No.134/2026 of Garag Police Station, Dharwad for the offences punishable under Sections 109, 118(2), 351(2),351(3), 352 of BNS and Section 27(1) of Indian Arms Act, 1959.

2. Brief facts of the case, as mentioned in the complaint, are as under:

On 22.06.2026 the complainant Irappa S/o. Fakkirappa Kindri has lodged a complaint alleging that, one Mounesh Rudrappa Badiger -accused runs a jewellery business at Garga Village, Dharwad wherein complainant's relation by name Ningappa S/o. Fakirappa Kindri and one Siddappa Ningappa Kindri has visited the shop of accused to return the two golden chain pledged by them in the year 2021. At that time, the accused asked for total payment of

Rs.3,00,000/- including interest for the said pledged jewellery. Thereafter, the Ningappa has tried to negotiate as it was overly charged then accused suddenly started to quarrel and abused them in filthy language and assaulted them. However, they had left the shop without taking any jewellery because of quarrel. At that time all of sudden the accused came out and started firing on Ningappa and his son Siddappa. During said firing one bullet had skipped and went through the leg of one by name Shraddha aged 10 years, school going girl, who was passing through the road and he abused them in filthy language, threatened with dire consequences and assaulted with revolver and thereby caused bleeding injuries. On the basis of above complaint, Garag Police, Dharwad have registered a case under Crime under No.134/2026 for the offences punishable under Section 109, 118(2), 351(2), 351(3), 352 of BNS and Section 27(1) of Indian Arms Act, 1959.

3. It is further submitted by the petitioner that, after registering the complaint, the respondent Police have arrested him on 22.06.2026 and produced before the Court and later he was remanded to Judicial Custody. Since the date of his arrest, he is in Judicial Custody. Hence, the petitioner has filed the present petition seeking regular bail on the following grounds:

GROUND

The petitioner is law abiding and peace loving citizen of India and is permanent resident of aforesaid address. He is innocent and he has been falsely implicated in this case. The complaint itself discloses that the occurrence arose out of a sudden dispute regarding redemption of pledged gold ornaments. There was no prior enmity or premeditated intention on the part of the petitioner to commit attempt to murder. The prosecution story is yet to be established during the trial. The investigation is substantially completed, and the custodial interrogation of the

petitioner is no longer necessary. He undertakes to cooperate with the investigation officer and trial Court whenever required. He is permanent resident of Garag Village and there is no possibility of his absconding or evading the process of law. He undertakes not to tamper with the prosecution evidence, not to threaten or influence any witness and abide by any condition imposed by this Court. He has licensed business and since his arrest the shop has virtually remained non-functional and the day to day business has come to a standstill. Customers had entrusted their gold ornaments for repair and other jewellery work are frequently visiting the shop seeking delivery of their articles. In the absence of the petitioner, pending works cannot be completed or delivered, causing serious hardship to the customers and resulting in loss of goodwill built over 30 years. He is the sole earning member of his family and continued closure of the jewellery business has deprived the family of its only

source of livelihood. The family is facing severe financial hardship and is unable to meet its day-to-day household expenses. If he enlarged on bail, undertakes to carry on his business strictly in accordance with law, to cooperate with the investigation and trial and to comply with every condition that may be imposed by this Court. The nature of injuries the surrounding circumstances and the entire evidence will have to be appreciated only after the trial. The medical records and other scientific evidence are required to be examined during trial. The alleged firearm has already been recovered and seized by the Investigation officer. Therefore, no further custodial interrogation of the petitioner is required for the purpose of recovery. He has no criminal antecedents and has never been convicted or involved in any criminal case prior to the present one. He is ready and willing to furnish adequate sureties and abide by all conditions that may be imposed while

enlarging him on bail. His continued incarceration before the conclusion of trial would amount to pre-trial punishment. The revolver alleged to have been used in the incident is a licensed firearm standing in the name of the petitioner. The identity and ownership of the firearm are not in dispute and the weapon has already come to the notice of the investigating agency. Therefore, no further custodial interrogation of the petitioner is required for the purpose of tracing or identifying the weapon. The question as to whether the firearm was used in the manner alleged by the prosecution is matter of evidence to be adjudicated during the course of trial and cannot be prejudged at the stage of considering this bail petition. The revolver alleged to have been used in the incident is a validly licensed firearm issued in the name of the petitioner under the provision of the arms Act, 1959. The ownership and identity of the weapon are well within the knowledge of the investigating agency. Hence,

on these grounds, the petitioner prays to allow the petition and to grant regular bail to him in the above said Crime.

4. The learned Public Prosecutor has filed objections to the main petition along with Investigating Officer Report and contended that the petition is not in accordance with law and not maintainable under law. The learned Public Prosecutor has narrated the facts of the case as stated above in the preceding paragraph and further contended that, the investigation is yet to be completed. The accused is not having respect regarding the law and has rowdy attitude over village. The accused due to their personal grudge unnecessarily creating fear atmosphere in the society. The offence alleged against this petitioner is punishable with imprisonment for 10 years or imprisonment for life. If bail is granted to the petitioner, there is every likelihood of tampering the prosecution witnesses and distraction of

documentary evidence and lure the witnesses and make them not to depose the true facts before the Court. Hence, the learned Public Prosecutor prays to reject the bail petition.

5. Heard arguments of Advocate for the petitioner and the learned Public Prosecutor. Perused the records. The advocate for petitioner has relied upon the following decisions;

1 Surinder Singh Vs. State in Crl. A. No.2373/2010 (SC).

2. 2026 SCC 166 (SLP.No.16153/2025) in the case of Bunty yadav V.s State of Bihar.

3. Crl.P.No.200193/2025 in the case of Chintaman Vs. State of Karnataka KHC.

4. Crl.2824/2020 in the case of Sandeep Gowda Vs. The State of Karnataka KHC.

5. AIR 2014 SC 2756 and 2014 AIR SCW 3930 in the case of Arnesh Kumar Vs. State of Bihar.

6. Along with the petition, the petitioner has produced the certified copy of FIR and Complaint, Remand Report and Order sheet. The advocate for

petitioner has also produced copy of license of Revolver, Discharge summary of all three injured persons and Money lending license.

7. The points that arise for my consideration are as under:

1. Whether the petitioner / accused has made out sufficient grounds to grant regular bail to him under Section 483 of BNSS as prayed in the present petition?

2. What order?

8. My findings to the above points are as follows:

Point No.1 : In the Negative,

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

REASONS

9. **Point No.1:** Section 483 of BNSS.

empowers this Court to grant regular bail as under:

483. (1) A High Court or Court of Session may direct,—

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

10. The offences alleged against the present petitioner / accused are under Sections 109, 118(2), 351(2), 351(3), 352 of BNS and Section 27(1) of Indian

Arms Act. Among these Sections, Section 109 is attempt to murder and the ingredients of this Sections are as under:

Section 109 of BNS:

“109. (1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.”

11. It is alleged in the complaint that this petitioner has unnecessarily picked up quarrel with the Ningappa and Siddappa abused them in filthy language and with an intention to commit murder the accused is holding revolver.

12. It is alleged in the complaint that, the petitioner / accused has assaulted the injured – Ningappa and Siddappa with revolver and caused bleeding injury at the same time he also caused injury to one Shraddha aged 10 years who is a school going child passing on the road near to the shop. At the time of incident, they have been taken to SDM Hospital, Dharwad for treatment and admitted as an inpatient. During the course of arguments, Advocate for the petitioner has submitted that, the injured have been discharged from the hospital within three days of incident. The learned public prosecutor has stated that, the Wound Certificate and RFSL Report are yet to be collected and investigation is still in progress. Hence, at this stage, considering the severity of the alleged offence, the objections raised by the learned Public Prosecutor that, if this petitioner / accused is released on regular bail, the accused may again pick up quarrel with the complainant as well as injured, he may abscond and

delay the trial appears genuine. Moreover, the prima facie shows that, the licensed revolver was not used for any self defence, but it was used to create fear in the public and shot unsparingly which could have caused death of any injured. Hence, considering the gravity of the offence and grievous injuries sustained by the injured, I am of the opinion that, the petitioner / accused is not entitled for regular bail at this stage before completion of investigation and I have answered the **Point No.1 in Negative.**

13.**Point No.2:** Upon discussion made above, I proceed to pass the following,

ORDER

The petition filed by the petitioner / accused under Section 483 of BNSS, 2023 is hereby rejected.

(Dictated to the stenographer directly on computer, typed by her, corrected, print out signed and then pronounced by me in open Court on this 22nd day of July, 2026.)

(Smt. POORNIMA N. PAI)
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.