

KAGD010018492026



Presented on : 16-07-2026
Registered on : 16-07-2026
Decided on : 25-07-2026
Duration : 09 days

**IN THE COURT OF PRL. DISTRICT AND SESSIONS JUDGE,
GADAG**

Dated this the 25th day of July, 2026

PRESENT:

Smt. NAGAVENI, B.A., LL.B.,
PRL. DISTRICT AND SESSIONS JUDGE,
GADAG.

Crl.Misc.Case No.293 of 2026

Petitioner: Moulasab s/o. Jamalsab Bhavikatti (As per Aadhaar)
Moulasab Bhavikatti (as per FIR)
Age: 45 years, Occ: Agriculture,
R/o. Asundi, Tq: Dist: Gadag.

(Represented by Sri. G.B.Neelaraddi, Advocate)

Vs.

Respondent: State by Gadag Town P.S.,
Gadag District.

(Represented by Public Prosecutor)

ORDER

The petitioner/ accused No.8 in C.R. No.103/2026 of the respondent police filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Code of Criminal Procedure, 1973).

2. Petitioner narrate the allegations made in the FIR. Further it is contended that the petitioner is innocent and peace loving persons in the society, he has not committed any offence as alleged by the complainant. He has been falsely involved in this case with an intention to give unnecessary harassment to the petitioner, the complainant in collusion with Gadag Town police have registered the false case against the petitioner and trying to arrest the petitioner in the said crime with an intention to give unnecessary harassment to the petitioner and also to his family members. Due to ill will and politically motivated persons against the petitioner, the complainant in collusion with Gadag Town Police, the complainant has filed the false case with false allegations with an intention to lower the positions of the petitioner in the society. The petitioner and also his family members are the respectable person in the society and the complainant in collusion with ill wishers against the petitioner and also the complainant in collusion with Gadag Town police have file the false case with false allegations with an intention to give unnecessary harassment to the petitioner and also his family members. Looking to the facts and circumstances of the case and also allegations against the petitioner in the complaint the offences alleged against the

petitioner is not punishable death or imprisonment for life, but the offences alleged against the petitioner are non-bailable offences and triable by this court. The petitioner is permanent resident of Asundi Village in Gadag Taluka and he is having movable and immovable properties within the jurisdiction of this court. Hence there is no fear of abscondency and he will not abscond also. The petitioner is having old age parents, wife and small children and other family members and he is the only bread earning member in his family, the entire family is depending on the earnings of the petitioner, if he be detained in jail the petitioner and also to his family members will be put to great and irreparable loss which cannot be compensated in any terms. The petitioner is agriculturist and this is the harvesting season and his presence is very much necessary in the field and if he be detained in jail he himself and his family members will be put to great and irreparable loss it cannot be compensated in any terms. The petitioner is ready and willing to abide by any of the terms and conditions that may be imposed by this court. He is ready and willing to give adequate security to satisfaction of this court. He is ready and willing to appear before the court on every date of hearing without fail, if the court released him on anticipatory bail. He under take to appear

before the I.O. for interrogation, whenever called for. He will not put any kind of obstacles in the way of investigation. He will not tamper or terrorize the prosecution witnesses if he be released on bail. On these grounds petitioners seek anticipatory bail.

3. Learned Public Prosecutor resisted the petition. In the objections while reiterating the F.I.R. contents, contends that notices have been issued to the petitioner under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, directing appearance for questioning, and the investigation is still at a preliminary stage for collection of relevant documents. If the Court grants anticipatory bail at this juncture, there exists a strong possibility that the petitioner may not cooperate with the Investigating Officer. There is also a likelihood that the petitioner may evade summons or warrants issued by the Court, thereby obstructing the trial. He may indulge in similar offences again. Moreover, release on anticipatory bail may embolden the petitioner to allure, tempt or threaten the witnesses, thereby preventing them from testifying truthfully in favor of the prosecution. On these grounds it is prayed to reject the petition.

4. Heard both sides.

5. Following points arise for my consideration:

1) Whether petitioner is entitled to be enlarged on anticipatory bail?

2) What order?

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

Point No.1 : In affirmative.

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

REASONS

Point No.1:

7. Perused the records. Initially, the Gadag Town police have registered a crime in Crime No.103/2026 against the petitioner and other accused persons for the offences punishable under Sections 318(2), 318(4), 336(2), 336(3), 336(4), 322, 61(2), 3(5) of BNS on the complaint of one Ayub Sannahasanasab Naddimulla (complainant).

8. Complaint shows that on 01/07/2026 at 19-45 hours, complainant lodged a complaint stating that victim Ahamandali s/o.Aminasab Hombal, aged 68 years, agriculturist, resident of Harogeri, Raybagh Taluk, Belgaum District, is the owner of agricultural land measuring 2 acres in Survey No.51/3, Asundi village, Gadag Taluk, and that said land was entrusted to accused No.1-Sayyadarshid s/o. Abdulgani Makandara, by Mahammadali Hombal under assurance of transfer; that Mahammadali Hombal

executed a Joint Development Agreement on 31/07/2023 at Gadag Sub-Registrar Office; that accused No.1 in conspiracy with accused Nos.2 to 8 fraudulently acquired 11 plots in the developed land contrary to the agreement and thereby cheated the victim. On 02/01/2026 Rs.12,00,000/- was transferred to the account of Mahammadali Hombal through RTGS and subsequently deposits totaling Rs.24,86,952/- were credited and then transferred in stages to the accounts of accused Nos.2 to 7 through RTGS up to 16/01/2026. Accused No.1 further obtained a purchase deed at Gadag Sub-Registrar Office for 11 NA plots in Asundi village, thereby committing fraud and cheating. Hence Crime No.103/2026 has been registered against accused Nos.1 to 8.

9. On perusal of the entire materials on record it appears that offences alleged are not punishable either with death or imprisonment for life and the dispute between the parties is yet to be resolved. If the petitioners are arrested, that will have far reaching effect on the well being of the whole family also. Having regard to the nature of allegations made against the petitioners, custodial interrogation is not required. If the petitioners are arrested, that will have far reaching effect on the well being of the whole family also.

10. Further having regard to the nature of the allegations, custodial interrogation is also not required. The allegations will have to be proved during the trial. Considering all these circumstances, I am of the opinion that it would be appropriate to grant anticipatory bail to the petitioners by imposing certain conditions. Hence, I answer the point under consideration accordingly.

Point No.2:

11. In the result, I pass the following:

ORDER

Petition filed by the petitioner/ accused No.8 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Code of Criminal Procedure, 1973) is hereby allowed.

In the event of arrest of petitioner in connection with Gadag Town P.S. C.R.No.103/2026 of the respondent, he shall be released on executing bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for likesum and subject to following:

CONDITIONS

- 1) Petitioner shall mark his attendance before the Investigating Officer on every Sunday between 10 a.m. to 5 p.m. till completion of investigation.
- 2) He shall assist in the investigation whenever directed by the Investigating officer.

3) He shall not tamper with the prosecution witnesses or he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any other police officer.

4) He shall not indulge in the similar offences.

(Dictated to the Stenographer directly on computer, Script thereof is corrected and then pronounced by me in the open court on this the 25th day of July, 2026)

(NAGAVENI)
Prl. District & Sessions Judge,
Gadag.