

KAHV010007582026



**IN THE COURT OF I ADDL. DISTRICT & SESSIONS  
JUDGE, AT HAVERI.**

DATED THIS THE 7<sup>th</sup> DAY OF MARCH 2026.

PRESENT :

Sri. N.M.Ramesha, *B.com, LL.B., LLM*  
I Addl. District & Sessions Judge, Haveri.

**CRL. MISC. NO : 121/2026**

- Petitioners
- 1 Maninga S/o Fakkirappa Makapur,  
Age: 36 years,  
Occ: Coolie.
  - 2 Malatesh @ Mahantesh Fakkirappa  
Makapur, Age: 42 years,  
Occ: Coolie.
  - 3 Akkamma W/o Malatesh @  
Mahantesh Makapur ,  
Age: 40 years, Occ: Coolie.
  - 4 Roopa W/o Maninga Makapur,  
Age: 31 years, Occ: Coolie.
  - 5 Ningappa S/o Babanna Makapur,  
Age: 62 years, Occ: Coolie,  
All are R/o: Ambedkar Nagar,  
Shiggaon taluk, Haveri district.

*(Sri. I.V. Patil., Advocate)*

V/s



and clubs on the first informant and his brother and caused injuries and due to depression, the brother of first informant had consumed poison on 13.02.2026 at about 5.00 p.m., and therefore, he was admitted to hospital and hence, the first informant has requested the police to take suitable action against the petitioners No.1 to 5/accused No.1 to 5.

**3.** Based on the said first information, the Shiggaon police have registered the case against the petitioners No.1 to 5/accused No.1 to 5 in Crime No.12/2026 for the offences punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023., forwarded FIR to the court and further investigation was undertaken. During the course of investigation, the investigating officer has visited the scene of offence, conducted spot and seizure mahazar and recorded the statement of the witnesses and also collected the material documents. Now the investigating agency searching for the petitioners No.1 to 5/accused No.1 to 5 for arrest.

**4.** This is how this present anticipatory bail petition being filed by the petitioners No.1 to 5/accused No.1 to 5 seeking an anticipatory bail for the alleged offences punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023.

5. Copy of the bail petition has been given to the Learned P.P for State.

6. The learned P.P for State has resisted the anticipatory bail petition by filing detailed objections.

7. I have heard the arguments of both side and perused the bail petition, objection and the materials placed on record.

8. Now the points that would arise for my consideration are as under:

1. Whether the petitioners No.1 to 5/accused No.1 to 5 are entitled for grant of anticipatory bail and whether the anticipatory bail petition filed under the provisions of section 482 of BNSS 2023 is deserves to be allowed ?
2. What order ?

9. On considering the materials placed on record, now my answer to the above points are as under:

Point No. 1 : In the **Affirmative**,

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

### **REASONS**

10. **POINT NO. 1 :** I have already narrated in brief as to the facts leading to filing of this anticipatory bail petition and as to the facts constituting the case of the prosecution. Along with anticipatory bail petition, the petitioners have produced the certified copies of FIR in Cr.No.12/2026, first information and Aadhaar cards.

**11.** On perusal of these documents placed on record, it is crystal clear that the offences alleged against the petitioners No.1 to 5/accused No.1 to 5 are punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023. It is also crystal clear from the perusal of the documents placed on record that, the name of the petitioners No.1 to 5/accused No.1 to 5 do finds a place in the first information and FIR.

**12.** According to the case made out by the prosecution at this stage of the proceedings that, 12.02.2026, at about 3.30 p.m., when first informant, his brother and his family members were enquired with accused with respect to alleged illicit relationship between 1<sup>st</sup> accused and brother of first informant, the 1<sup>st</sup> accused denied the same and therefore, the 1<sup>st</sup> informant and his family members have shown videos of Yallmmagudda incident and therefore, the accused become angry and unlawfully assembled there and assaulted with hands and clubs on the first informant and his brother and caused injuries and due to depression, the brother of first informant had consumed poison on 13.02.2026 at about 5.00 p.m., and therefore, he was admitted to hospital.

**13.** But, it is contended in the bail petition that, petitioners are an innocents and have not committed any alleged offences and the first informant has filed false

first information to harass the petitioners No.1 to 5/accused No.1 to 5 and the petitioners are the law abiding citizens with no criminal antecedents and the nature of allegations does not necessitate custodial interrogation and the petitioners are ready and willing to abide by the conditions that may be imposed by this court and ready to furnish surety to the satisfaction of the court and therefore, they are entitled for bail.

**14.** Under these circumstances, whether the petitioners No.1 to 5/accused No.1 to 5 have committed the alleged offences punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023, or not is a matter which requires evaluation of evidence to be recorded at trial. Further, whether the petitioners No.1 to 5/accused No.1 to 5 have been implicated in the crime without any materials or not is also a matter which requires evaluation of evidence to be recorded at trial. Further, whether the delay in lodging first information is fatal to the prosecution or not and whether the prosecution could able to explain delay in lodging first information during the trial is also a matter which requires evaluation of evidence to be recorded at trial. But, at this stage of proceedings, this Court cannot conduct a mini trial to adjudicate all these controversies between the prosecution and the defence, which requires full-fledged trial.

**15.** But, at this stage of the proceedings, the Court while considering an anticipatory bail petition of this nature has to consider whether the accused would be readily available for their trial and whether they are likely to abuse the discretion granted in their favour by tampering with evidence. If there is no prima facie case, then there is no question of considering the circumstances. But, even where a prima facie case is established, the approach of the Court in the matter of bail is not that the accused should be detained by way of punishment, but whether the presence of the accused would be readily available for trial or that they are likely to abuse the discretion granted in their favour by tampering with evidence. Further, the court has to consider as to whether there are any chances of the accused fleeing away from justice and whether the accused would tamper with the prosecution witnesses. If the answer to this question is in the negative, then the accused will have to be granted bail. It is equally true that while considering a bail petition, the court should consider the gravity and the seriousness of the offence alleged.

**16.** It is pertinent to note here that in the case on hand, the offences alleged against the petitioners No.1 to 5/accused No.1 to 5 are punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023. The alleged

offences against the petitioners are not punishable with death penalty or imprisonment for life or imprisonment for longer period. The maximum imposable punishment for the alleged offences is less than 7 years. All the alleged offences are triable by Learned Jurisdictional Magistrate. The punishment entailing to an offence also plays an important and vital role while considering the bail application of this nature. This is one of the aspect of the matter in this case.

**17.** I have gone through the contents of the first information and also contents of FIR. It is alleged in the first information that, the petitioners unlawfully assembled in the scene of offence, picked up the quarrel with first informant and his family members, assaulted with clubs and hands, caused injuries and threatened with dire consequences to take away their lives. The allegations are in general terms, but there is no individual overt act of each petitioners. Under these circumstances, whether the petitioners were involved in crime or not, has to be culled out during the course of full fledged trial.

**18.** But, at this stage of the proceedings, the alleged offences are triable by the Learned jurisdictional Magistrate. The injured are already discharged from the hospital as per the submission of both the side. The petitioners have undertaken to abide by the conditions that may be imposed by this Court and also ready to

furnish surety to the satisfaction of the court and also investigating agency. It is well settled position of law that the bail cannot be withheld as a punishment before trial and it is also said that the bail is a pre-trial release. There is no materials to show the previous conviction on the petitioners or criminal antecedents. The petitioners being the members of same family are aged about 36 years, 42 years, 40 years, 31 years and 62 respectively, out of them, petitioner No.3 and 4 are the females and petitioner No.5 is a senior citizen. Viewed from any angle, it appears to me that, the petitioners can be granted an anticipatory bail by imposing suitable conditions. The apprehension of the prosecution can be taken care of by imposing suitable conditions on the petitioners. Therefore, I hold that the petitioners are entitled to be released on anticipatory bail and the petition filed by the petitioners under the provisions of section 482 of BNSS, 2023 is deserves to be allowed. Hence, I answer point No.1 in the **affirmative**.

**19. POINT NO. 2 :** In view of my findings on point No.1, I proceed to pass the following.

#### **ORDER**

The anticipatory bail petition filed by the petitioners No.1 to 5/accused No.1 to 5 under the provisions of Section 482 of BNSS 2023 is hereby allowed.

The petitioners No.1 to 5/accused No.1 to 5 are ordered to be released on anticipatory bail in the

event of their arrest in respect of Cr.No.12/2026 of Shiggaon police station for the offences punishable under the provisions of sections 189(2), 191(2)(3), 115(2), 118(1), 54, 351(2) and 352 R/w section 190 of BNS 2023, on their executing a personal bond for Rs.1,00,000/- each with one surety for the likesum subject to the following:

CONDITIONS

1. The petitioners No.1 to 5/accused No.1 to 5 shall make themselves available for interrogation and investigation by the investigating officer as and when required and as and when summoned.
2. The petitioners No.1 to 5/accused No.1 to 5 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 police officer.
3. The petitioners No.1 to 5/accused No.1 to 5 shall not leave India without the previous permission of the court.
4. The petitioners No.1 to 5/accused No.1 to 5 shall not commit similar offences in future days in any manner or in any mode.
5. The petitioners No.1 to 5/accused No.1 to 5 shall appear before the Jurisdictional Magistrate on the dates of hearing without fail.

6. The petitioners No.1 to 5/accused No.1 to 5 shall furnish their address proof documents before the investigating officer.
7. The petitioners No.1 to 5/accused No.1 to 5 shall approach the investigating officer within 15 days from the date of order and comply the bail conditions without fail and on his appearance, the Investigating Officer is at liberty to take them to custody and complete the entire custodial interrogation and custodial investigation on the same day preferably within 7.00 p.m., and release them on bail in terms of the bail conditions without fail.
8. The petitioners No.1 to 5/accused No.1 to 5 shall make their attendance before the Jurisdictional Police Station on every second Sunday of every month commencing from 21.03.2026 in between 10.30 a.m., to 5.30 p.m., till the filing of police report or till further orders whichever is earlier.

In the event of the petitioners No.1 to 5/accused No.1 to 5 violate any of the bail conditions, then the prosecution is at liberty to move for cancellation of bail.

*(Dictated to the Stenographer directly on computer, typed by him, corrected, signed and then pronounced in the open Court on this the **7<sup>th</sup> day of March, 2026.**)*

(N.M.Ramesha)  
I Addl. District and Sessions Judge,  
Haveri.