

KAHV010023132026



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

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

DATED THIS THE 1st DAY OF JULY, 2026

CRL. MISC. NO : 370/2026

Petitioners

- 1 Marthandappa S/o
Balappa Mailammanavar,
Age: 30 years, Occ: Coolie.
- 2 Smt. Chennavva W/o
Hullappa Galeppanavar,
Age: 35 years, Occ: Coolie.
- 3 Smt. Kamalavva W/o
Basappa Mailammanavar,
Age: 75 years, Occ: Coolie.
- 4 Mahantesh S/o Balappa
Mailammanavar,
Age: 24 years, Occ: Coolie.
- 5 Smt. Geethavva W/o
Balappa Mailammanavar,
Age: 50 years, Occ: Coolie.
- 6 Smt. Deepa W/o
Marthandappa Mailammanavar,
Age: 23 years, Occ: Coolie.
- 7 Smt. Vidya W/o Mahantesh
Mailammanavar,
Age: 24 years, Occ: Coolie.

8 Balappa S/o Basappa
Mailammanavar,
Age: 54 years, Occ: Coolie,
All are R/o: Ambedakar Nagar,
Savanur, Savanur taluk,
Haveri district.

(Sri. M.A. Somasagar., Advocate)

V/s

Respondent : State by Savanoor P.S
(By Public Prosecutor)

ORDERS ON BAIL PETITION FILED BY THE
PETITIONERS/ACCUSED No.1 TO 8 UNDER THE PROVISIONS
OF SECTION 482 OF BNSS, 2023

This order arises from the anticipatory bail petition filed by the petitioners/accused No.1 to 8 under the provisions of Section 482 of BNSS, 2023, seeking anticipatory bail for the offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) R/w Section 190 of BNS, 2023.

2. The facts leading to filing of this anticipatory bail petition and the facts constituting the case of the prosecution is as under:

On 06.06.2026, at about 8.30 p.m., the first informant has lodged a first information before the SHO of Savanoor Police Station, inter-alia alleging that, on 30.05.2026, at about 5.30 p.m., when the 1st petitioner was proceeding in front of the house of first informant,

the mother of first informant namely Puttavva has abused first informant with respect to keeping of dove, for which, the 1st petitioner became angry under the assumption that Smt. Puttavva was abusing him, he picked up the quarrel with first informant, abused in filthy language, insulted her and assaulted with chappal on the mother of first informant and he hold the sari and pulled her and again on 04.06.2026, at about 6.00 p.m., all the petitioners picked up the quarrel with first informant and her mother and sister-in-law, abused them in filthy language, assaulted with hands and also threatened with dire consequences to take away their lives. Therefore, the first informant has requested the police to take suitable action against the petitioners/accused No.1 to 8.

3. Based on the said first information, the Savanoor police have registered the case against the petitioners/accused No.1 to 8 in Crime No.150/2026 for the offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) R/w Section 190 of BNS, 2023., forwarded FIR to the court and further investigation was under taken. During the course of investigation, the investigating officer has visited the scene of offence, conducted spot mahazar and recorded the statement of the witnesses and also collected the material documents. Now the investigating

agency are searching the petitioners/accused No.1 to 8 for arrest.

4. This is how this present anticipatory bail petition being filed by the petitioners/accused No.1 to 8 seeking anticipatory bail for the alleged offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) 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 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/accused No.1 to 8 are entitled for grant of anticipatory bail and whether the 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 bail petition and as to the facts constituting the case of the prosecution. Along with bail petition, the petitioners/accused No.1 to 8 have produced the certified copies of FIR in Cr.No.150/2026 and first information dated 06.06.2026. The Learned P.P for state also produced I.O report, copy of the FIR and first information.

11. As per the contents of first information, F.I.R and other prosecution papers, the petitioners/accused No.1 to 8 are alleged to have committed the offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) R/w Section 190 of BNS, 2023. But, the petitioners/accused No.1 to 8 have denied the allegations in the bail petition.

12. Under these circumstances, whether the petitioners/accused No.1 to 8 have committed the alleged offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) R/w Section 190 of BNS, 2023., or not is a matter which requires evaluation of materials to be collected during the course of further investigation and also evaluation of evidence to be recorded at trial. Further, whether the petitioners/accused No.1 to 8 have been implicated in

the crime without any materials or not is also a matter which requires evaluation of materials to be collected during the course of further investigation and evaluation of evidence to be recorded at the trial. Further, whether the delay in lodging the first information is fatal to the prosecution or not and whether the prosecution would be able to explain delay in lodging first information during the trial is also a matter which requires evaluation of materials to be collected during the course of further investigation and 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.

13. But, at this stage of the proceedings, the Court while considering the 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.

14. It is pertinent to note here that in the case on hand, the offences alleged against the petitioners/accused No.1 to 8 are punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) R/w Section 190 of BNS, 2023. The maximum imposable sentence for the alleged offences is less than 7 years. Therefore, the alleged offences against the petitioners are not punishable either with death sentence or with imprisonment for life. The punishment entailing to an offences certainly plays a vital role in deciding its seriousness and gravity. This is one of the aspect of the matter in this case.

15. I have gone through the contents of the first information and also contents of FIR, which reveals that the petitioners/accused No.1 to 8 alleged to have unlawfully assembled, picked up the quarrel with first informant, abused first informant and his mother in filthy language, insulted them and assaulted on the first informant, attempted to outrage the modesty and

threatened with dire consequences to take away their lives. The allegations made in the first information against the petitioners/accused No.1 to 8 are in general terms, but there is no individual overt act of each petitioners.

16. As could be seen from the materials placed on record, a counter case has been registered against first informant and his mother in Cr.No.148/2026 of Savanoor police Station. It is not in dispute that the injured have already been discharged from the hospital as per the submission of both the side and out of danger.

17. It is well settled position of law that the bail cannot be withhold as a punishment before trial and it is also said that the bail is a pre-trial release. The petitioners being the members of same family are aged about 30 years, 35 years, 75 years, 24 years, 50 years, 23 years, 24 years and 54 years respectively, out of them petitioner No.3 is senior citizen and petitioner Nos. 2, 3 and 5 to 7 are females. The alleged offences are neither punishable with death penalty nor for imprisonment for life or for any longer period. There was also a delay of two days in lodging first information, for which there is no explanation at this stage of the proceedings. Therefore, considering the facts and circumstances of the case including the fact that the injured are already discharged from the hospital and also out of danger and in view of counter case against the first informant and

others, this court is of the considered view that the petitioners/accused No.1 to 8 can be granted anticipatory bail by imposing suitable conditions. The apprehension of the prosecution can be taken care of by imposing suitable conditions on the petitioners/accused No.1 to 8. Therefore, I hold that the petitioners/accused No.1 to 8 are entitled to be released on anticipatory bail and the petition filed by the petitioners under the provision of section 482 of BNSS, 2023 is deserves to be allowed. Hence, I answer point No.1 in the **affirmative**.

18. 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/accused No.1 to 8 under the provisions of Section 482 of BNSS 2023 is hereby allowed.

The petitioners/accused No.1 to 8 are ordered to be released on anticipatory bail in the event of their arrest in respect of Cr.No.150/2026 of Savanoor police station for the offences punishable under the provisions of Sections 189(2), 191(2), 115(2), 133, 74, 352 and 351(2) 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/accused No.1 to 8 shall make themselves available for interrogation and investigation by the investigating officer as and when required and as and when summoned.
2. The petitioners/accused No.1 to 8 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/accused No.1 to 8 shall not leave India without the previous permission of the court.
4. The petitioners/accused No.1 to 8 shall not commit similar offences in future days in any manner or in any mode.
5. The petitioners/accused No.1 to 8 shall appear before the Court on all the dates of hearing without fail unless they are exempted from personal appearance by the concerned court on sufficient grounds and reasons.
6. The petitioners/accused No.1 to 8 shall furnish their address proof documents before the investigating officer and also before the court.
7. The petitioners/accused No.1 to 8 shall approach the investigating officer within 15 days from the date of order and comply the bail conditions without fail and on their appearance, the Investigating Officer is at liberty to take them to custody and complete entire custodial interrogation and custodial investigation on the same day preferably within

6.00 p.m., and release them on bail in terms of the bail conditions without fail.

8. The petitioners/accused No.1 to 8 shall make their attendance before the Jurisdictional Police Station on every second Sunday of every month commencing from 15.07.2026 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/accused No.1 to 8 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 **1st day of July, 2026.**)*

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