

KAKP010012092026



**IN THE COURT OF PRL. DISTRICT AND SESSIONS JUDGE AT
KOPPAL**

**Present: SMT. LATHA KUMARI M.,
M.A.,LL.M.,
Prl. District & Sessions Judge
Koppal.**

Dated this the 06th Day of August 2026

Crl. Misc. No.233/2026

PETITIONERS/ACCUSED No.5:

1. Tirupati S/o Yankappa Poojar,
Age: 45 years, Occ: Owner cum driver
of Tipper No.KA-37/B-2244,
R/o Ginigera, Tq: Dist: Koppal.

(By Sri. R.D.O., Adv.)

V/s

**RESPONDENT : State by Munirabad
Police Station.**

(By Public Prosecutor)

ORDER

Petitioner has filed this petition U/Sec. 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-
arrest bail.

2. The Petitioner is the Accused No.5 in Crime No.165/2026 of Respondent Police Station for the offence punishable U/Sec. 303(2) of BNS, 2023.

3. The Petitioner claims that, he has not at all committed any offence as alleged in the complaint. He is the owner and driver of the tipper bearing No.KA-37/B-2244 and said vehicle is not involved in the alleged offence. In the FIR there is no mention with regard to role played by the petitioner/accused No.5 with regard to commission of the alleged offence. He is a law-abiding citizen. He is ready to co-operate with the Investigation and also abide by any reasonable conditions imposed by this court. Petitioner/accused No.5 is having movable and immovable assets in his village and as such there are no chances of fleeing away from justice. Therefore, it is prayed to grant pre-arrest bail.

4. The Public Prosecutor has filed objections stating that on 01.06.2026 at about 9-30 p.m the accused being the owner of the tipper without obtaining any permission from concerned department illegally transporting the soil in the Karkihalli village of Koppal Taluka. The Petitioner/accused No.5 after committing the alleged offence is absconding and the said conduct itself shows that there is prima-facie case against him and this is not a fit case to grant relief of bail. The Petitioner has committed theft of soil belonging to the

Government. Petitioner has not urged any valid grounds seeking anticipatory bail and prays to reject the petition.

5. I have heard the counsel for the Petitioner and the Public Prosecutor.

6. By virtue of the above facts and circumstances, the points that arise for my consideration is:

1. Whether the petitioner/Accused No.5 has made out ground for grant of pre-arrest bail U/sec. 482 of BNSS?

2. What order?

7. My finding on the above points are;

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

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

REASONS

8. **Point No.1:** As per prosecution records, this case came to be registered by the Munirabad Police against the Petitioner alleging that he was transporting illegally soil in Tipper bearing No. KA-37/B-2244 without having any valid license or permit from the Competent Authority. Admittedly, police have not apprehended the petitioner or any other person from the spot and prosecution has to establish during trial that the petitioner was indulged in theft and

illegally transporting soil. It appears from the material on record that the petitioner is the owner cum driver of the Tipper Lorry that is seized by the police. Since, the alleged soil is already seized along with the vehicle, I am of the opinion that custodial interrogation of petitioner is not required for any purpose whatsoever. In pursuance of FIR registered against petitioner accused he is having apprehension of his arrest. Considering the gravity of the offence and the apprehension pleaded petition can be allowed by imposing conditions. It is not in dispute that the petitioner is permanent resident in the address shown in the cause title. Considering all the above aspects, I am of the opinion that the apprehension of the prosecution can be met by imposing stringent conditions. Taking note of the aforesaid facts and circumstances, I answer point No.1 in the "**Affirmative**".

9. **Point No.2:-** In view of the above discussion, I proceed to pass the following;

ORDER

The Petition filed by the petitioner/accused No.5 U/Sec. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for pre-arrest bail is allowed.

The petitioner/accused No.5 is ordered to be enlarged on bail in the event of his arrest in Crime No.165/2026 of respondent police with following:

:CONDITIONS:

- 1.The Petitioner/accused No.5 shall furnish the bond for a sum of Rs.50,000/- with one surety for like some to the satisfaction of the investigating officer.
- 2.The Petitioner shall appear before the respondent police within 15 days from the date of receipt of this order.
- 3.The Petitioner/accused No.5 shall not threaten or influence the Prosecution witnesses.
4. The Petitioner/accused No.5 shall not tamper with the evidence collected against him.
- 5.The Petitioner/accused No.5 shall appear before the Court on all dates during trial.
6. The Petitioner/accused No.5 shall cooperate with the investigation and appear before the Investigation Officer as and when directed.

[Dictated to the Steno on computer, corrected and then pronounced by me in the Open Court on this the **06th Day of August 2026**]

(Smt.LATHA KUMARI M.)
Prl. District & Session's Judge
Koppal.