

KAKP420002802026



**IN THE COURT OF THE
I Addl. DISTRICT AND SESSIONS JUDGE, KOPPAL (SITTING
AT GANGAVATHI)**

**Present : Sri.Sadananda Nagappa Naik,
BAL., LLB
I Addl. District & Sessions Judge,
Koppal (Sitting at Gangavathi).**

Dated this the 28th Day of March 2026

Criminal Misc.No.69/2026

Petitioners/Accused No.1 to 12:

1. Manappa S/o Mariyappa Gowdra, Age: 65 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.
2. Smt. Nagamma W/o Manappa Gowdra, Age: 56 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.
3. Hanumesh @ Hanumantha S/o Manappa Goudra, Age: 36 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.
4. Viresha @ Eranna S/o Manappa Gowdra, Age: 46 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.
5. Mare Gowda S/o Manappa Gowdra, Age: 32 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.
6. Umesha S/o Manappa Gowdra, Age: 32 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist:

Koppal.

7. Yamanura S/o Manappa Gowdra, Age: 32 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

8. Smt. Ratnamma W/o Viresh @ Eranna, Age: 26 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

9. Smt. Chaitra W/o Hanumanta Gowdra, Age: 32 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

10. Smt. Muttamma W/o Maregowda, Age: 30 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

11. Smt. Ambika W/o Umesha, Age: 25 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

12. Smt. Laxmi @ Dyamavva W/o Yamanur, Age: 27 years, Occ: Agriculture, R/o Niraluti, Tq: Kanakagiri, Dist: Koppal.

(By Sri. Raghavendra T. Bidarkar, Advocate.)

-V/s-

Respondent:

The State of Karnataka by Kanakagiri Police Station.

(By the Public Prosecutor, Gangavathi)

ORDER

This is the **Petition filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023** by the **Petitioners/Accused No.1 to 2** seeking for grant of **Anticipatory Bail** to them in **Crime**

No.38/2026 of Kanakagiri Police Station registered for the offences punishable **u/s.189(2), 191(2), 191(3), 329(4), 115(2), 118(1), 74, 352, 351 R/w Sec.190 of BNS**, as prayed for by allowing the Petition in the interest of justice.

2. In brief, the case of the Petitioners is as follows:-

The Petitioners apart from reiterating the entire case of the Complainant/Prosecution as detailed in their Petition have contended that the Complainant has filed a false case against the accused persons. The Petitioners are innocent and law abiding citizens and peace loving citizens. The contents of the Complaint are false, baseless and far away from truth. There is no direct and indirect material placed before the court to connect the Petitioners with the alleged offences. The Petitioners have not at all committed any of the offences as alleged by the Complainant. The offences alleged against the petitioners are not punishable with death or imprisonment for life. The Petitioners are the only earning members of their families. That the Petitioners apprehend that the respondent police may arrest them at any moment and harass them. If they are arrested, their whole families will be put to great

hardship and untold agony. The Petitioners are residing in addresses mentioned in the cause title having movable and immovable properties. Petitioners are ready to obey all the conditions that may be imposed upon them by this Court and are ready to offer sufficient surety as ordered by this Court, in the event of grant of bail to them. On all these grounds, the Petitioners have prayed for grant of Anticipatory Bail to them in the above said Crime number registered for the above said offences by allowing the Petition in the ends of justice.

3. The learned Public Prosecutor has filed her objections to the above said Bail Petition of the Petitioners along with the Report of the IO along with documents.

4. The learned Public Prosecutor for the prosecution apart from reiterating the Case of the Complainant/Prosecution as morefully stated in her Objections has contended that the Petition is not maintainable and the Petitioners have not shown proper grounds for grant of Bail. The evidence collected till date prima facie reveals that the alleged offences committed by the Petitioners are heinous in nature. The Petitioners from the date of registration of crime without co-

operating with the investigation, have absconded pursuant to which they are not worthy to be enlarged on Bail. If the Petitioners are admitted on Bail, there is remote chance of their attendance to the Court. Due to their abscondance, the same may result in the culmination of this case into LPC Case. If the Petitioners are enlarged on Bail, they may repeat the similar type of offences. If the Petitioners are released on Bail, they may tamper with the prosecution witnesses and destroy the evidence. If the Petitioners are admitted on Bail, there is every chance of they threatening the Complainant/ Prosecution witnesses thereby committing similar offences without any fear of law. If the Petitioners are admitted on Bail, the same will convey a wrong message to the society at large that if any type of offences are committed they will easily secure Bail. On all these grounds, the learned Public Prosecutor has prayed for rejection of the Bail Petition of the Petitioners.

5. I have heard the arguments of the learned Advocate for the Petitioners and the learned Public Prosecutor for the Prosecution at length. Perused the records of this case.

6. The only point that arises for my consideration is as under:-

1) Whether the Petitioners/Accused No.1 to 12 are entitled to be released on Anticipatory Bail as prayed in the Petition?

2) What Order?

7. My answers to the above said Points are as under:-

Point No.1 : In the Affirmative.

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

REASONS

8. **Point No.1**: One Sri. Mhalingappa S/o Hanumanthappa Gowdru gave an information to the Police by alleging that they have erected a sheep pen in the land of Accused No.1 Manappa. On 9-3-2026, they have removed the said Sheep Pen due to which there were small digs in the land. In this regard, on 10-3-2026, at about 7-00 p.m., when himself and his family members were in their house, at that time, all the Accused persons trespassed the house by forming an unlawful assemble, picked up quarrel with them, abused them in filthy language, assaulted them, the Accused Umesh and Manappa

have dragged her mother by holding her saree. When their relatives namely Nirupadi and Nagappa came to pacify the incident, the Accused Umesh S/o Manappa has bitten on the back of Nirupadi and assaulted on the head of Nagappa with club. Thereafter, all the Accused persons have caused life threat to them with dire-consequences. On the basis of the complaint, Kanakagiri Police have registered a case against the Accused persons in Crime No.38/2026 for the aforesaid offences.

9. The learned Counsel Sri. Raghavendra T. Bidarkar, appearing for the Petitioners has argued that the Complainant has filed a false case against the accused persons. The Petitioners are innocent, law abiding citizens and peace loving citizens. The contents of the Complaint are false, baseless and far away from truth. There is no direct and indirect material placed before the court to connect the Petitioners with the alleged offences. The Petitioners have not at all committed any of the offences as alleged by the Complainant. The offences alleged against the petitioners are not punishable with death or imprisonment for life. The Petitioners are the

only earning members of their families. That the Petitioners apprehend that the respondent police may arrest them at any moment and harass them. If they are arrested, their whole families will be put to great hardship and untold agony. The Petitioners are residing in addresses mentioned in the cause title having movable and immovable properties. Petitioners are ready to obey all the conditions that may be imposed upon them by this Court and are ready to offer sufficient surety as ordered by this Court, in the event of grant of bail to them.

10. Per contra, the learned Public Prosecutor Smt.S. Nagalakshmi appearing for the State has vehemently argued that the Petition is not maintainable and the Petitioners have not shown proper grounds for grant of Bail. The evidence collected till date prima facie reveals that the alleged offences committed by the Petitioners are heinous in nature. The Petitioners from the date of registration of crime without co-operating with the investigation, have absconded pursuant to which they are not worthy to be enlarged on Bail. If the Petitioners are admitted on Bail, there is remote chance of their attendance to the Court. Due to their abscondance, the

same may result in the culmination of this case into LPC Case. If the Petitioners are enlarged on Bail, they may repeat the similar type of offences. If the Petitioners are released on Bail, they may tamper with the prosecution witnesses and destroy the evidence. If the Petitioners are admitted on Bail, there is every chance of they threatening the Complainant/ Prosecution witnesses thereby committing similar offences without any fear of law. If the Petitioners are admitted on Bail, the same will convey a wrong message to the society at large that if any type of offences are committed they will easily secure Bail.

11. On perusal of the material on record, it shows that the alleged incident had occurred on 10-3-2026 at about 7-00 p.m. However, the Complainant has lodged the complaint on 12-3-2026, at about 815 p.m. It shows that there is a delay in lodging the complaint, which is not properly explained by the Complainant at this stage. Further, the Complainant has not mentioned the overt act of each Accused persons in the complaint. Further, on perusal of the material on record, it shows that the Accused No.6 in this case has lodged the

complaint against the present Complainant and others in Crime No.36/2026 of Kanakagiri Police Station. It shows that there is a case and counter against each parties. Hence, whether the Petitioners have committed the alleged offences or not is a matter of investigation and trial.

12. Hence, in my view taking into consideration of the allegations made in the complaint, the offences for which the case is registered against the Petitioners and as the same are not punishable with death or imprisonment for life, the Petitioners are entitled for the relief of Anticipatory Bail. Even assuming that, a prima facie case is established against the Petitioners, the approach of the Court in the matter of bail is not that, the Accused should be detained by way of punishment, as observed in the decision reported in;

AIR 1984 SUPREME COURT 372 = 1984 CrL.L.J 160
(Bhagirathsing Judeja -V/s- State of Gujarat) – wherein it has been held as under;

“It is now well settled by a catena of decisions of the Supreme Court that the power to grant bail is not to be exercised as if the punishment before trial is being imposed. The only material considerations in

such a situation are whether the accused would be readily available for his trial and whether he is likely to abuse the discretion granted in his favour by tampering with evidence. If there is no prima facie case there is no question of considering other 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 ready available for trial or that he is likely to abuse the discretion granted in his favour by tampering with evidence.”

13. As regards, the apprehension of the Prosecution that, if the Petitioners are released on Bail, they are likely to threaten the Prosecution witnesses and tamper the evidence and may abscond and commit similar offences is concerned, this could be met by imposing stringent conditions upon them. Hence, in the facts & circumstances of the case, in my opinion there is no impediment for granting Anticipatory Bail to the Petitioners with suitable conditions by safeguarding the interest of the Prosecution. Hence, in view of the aforesaid discussions made by me, I answer Point No.1 in the Affirmative.

14. **Point No.2** : In the result, I proceed to pass the following:-

ORDER

Crl.Misc.Petition filed by the Petitioners/Accused No.1 to 12 u/s.482 of BNSS, 2023 is hereby allowed.

Petitioners/Accused No.1 to 12 in the event of their arrest by the I.O in Kanakagiri Police Station Crime No.38/2026, registered for the offences punishable u/s.189(2), 191(2), 191(3), 329(4), 115(2), 118(1), 74, 352, 351 R/w Sec.190 of BNS, against them, shall be released on bail, on they executing Personal Bonds for Rs.50,000/- each with one surety for the like sum to the satisfaction of the I.O along with their address proof subject to the following:-

CONDITIONS

- 1) Petitioners shall not tamper with the Prosecution Witnesses nor threaten the Complainant and his family members in any manner nor shall destroy the Prosecution evidence in any manner during the trial of the Case.**
- 2) Petitioners shall be present before the I.O as and when required by the I.O for the purpose of the investigation of this case.**

3) Petitioners shall not indulge in any activities to constitute similar offences.

4) Petitioners shall mark their attendance in the concerned Police Station in between 10-00 a.m., to 4-00 p.m., on every Sunday falling in the first week of every Month for a period of three months or till filing of the Charge sheet whichever is earlier.

5) Petitioners shall take up the trial of the case before the concerned Trial Court by keeping themselves present on all hearing dates of this case except in inevitable circumstances beyond their control.

6) That, in the event of violation of the above conditions by the Petitioners the Prosecution is at liberty to seek for cancellation of Bail granted to the Petitioners.

(Dictated to the Stenographer, directly on Computer and corrected by me and then pronounced in the open court today, this **28th day of March 2026.**)

(Sadananda Nagappa Naik)
I Addl. District and Sessions Judge,
Koppal (Sitting at Gangavathi).

