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Crl.Misc.No.245/2026

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**IN THE COURT OF THE I ADDL. DIST & SESSIONS
JUDGE, RAICHUR**

Dated this the 5th day of June, 2026

-: P R E S E N T :-

Smt. Mala N.D.,

BAL., LL.M.,

I ADDL. DIST & SESSIONS JUDGE, RAICHUR

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PETITIONER/S : 1. Vijay Kumar, S/o Gonappa,
Age: 30 years, Occ: Agriculture,
R/o: A.H Tanda (K.Irabagera) village,
Tq: Devadurga, Dist.Raichur.

2. Gonappa, S/o Sugappa,
Age: 62 years, Occ: Agriculture,
R/o: A.H Tanda (K.Irabagera) village,
Tq: Devadurga, Dist.Raichur.

3. Devalappa, S/o Soogappa,
Age: 52 years, Occ: Agriculture,
R/o: A.H Tanda (K.Irabagera) village,
Tq: Devadurga, Dist.Raichur.
(Accused No's.4, 5 & 8 as per FIR
& Charge-sheet)

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(By: Sri Krishna Bhat, Advocate)

Vs.

RESPONDENT : State of Karnataka by
Devadurga Police Station,
Raichur.

(By: Learned Public Prosecutor)

ORDERS ON BAIL APPLICATION
UNDER SECTION 483 OF BHARATIYA NAGARIKA
SURAKSHA SANHITA, 2023

The petitioners have filed this petition U/Sec.483 of BNSS-2023 for grant of regular bail in Cr.No.284/2024 registered by the Devadurga Police Station for the offences punishable U/Secs.189(2), 191(2), 191(3), 329(3), 115(2), 118(1), 109, 352 & 351(2) R/w Sec.190 of BNS-2023, which is pending before the I Addl. Dist & Sessions Court, Raichur.

2. It is averred in the petition that, petitioners are innocents of alleged offences, have been falsely implicated by the respondent police, have got valid and tenable defence on

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their behalf, they have not involved in the alleged offences either directly or indirectly, they have been made as a scapegoat, there is no prima-facie case against them, they were granted bail by the Hon'ble High Court of Karnataka in Crl. Petition No.201216 of 2024, due to communication gap, they could not instruct their counsel about their absence before the trial court, hence non-bailable warrant came to be issued and executed against them.

It is further submitted by the petitioners that, on 16.04.2026, they could not attend the court hearing due to death of their relative and at the same time, they could not inform their counsel well-in-time, hence, they were absent before the court due to the said bona-fide reason, which resulted in issuing non-bailable warrant against them.

3. It is averred in the petition that, they are innocent and law abiding citizens, hail from respectable family, having



deep-roots in the society and had no bad antecedents against them, they are permanent resident of the addresses shown in the cause-title and also they are bread-earners of their family, they are ready to abide by all the conditions that may be imposed by this court in the event of their release, hence, it is contended on behalf of the petitioners that, they have made-out valid grounds to enlarge them on bail, therefore, seeking an order of regular bail for their release.

4. On the other hand, learned Public Prosecutor appearing for the State has filed statement of objections opposing the bail petition.

5. For the purpose of brevity, the facts mentioned in the objections statement will be stated at the appropriate stage of orders.

6. Heard arguments. Perused the materials on record.



7. The points, that arise for my consideration are;

1) Whether petitioners/accused No's.4, 5 & 8 have made-out valid grounds for grant of regular bail U/Sec.483 of BNSS-2023?

2) What Order?

8. For the reasons stated hereinafter, my findings to the above points are as under;

Point No.1: In the Affirmative;

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

REASONS

9. **POINT No.1:-** Along with petition, certified copies of CC No.548/2025 (Crime No.284/2024 Devadurga Police Station), charge sheet & other documents & certified copies of order sheet in CC.No.548/2025 are filed. Perused the same.

10. The factual case of the prosecution is as under ;

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On 04.09.2024, at about 2.15 pm., the complainant one Venkatesh approached the jurisdictional police-station on the allegations that due to previous animosity between himself and accused No.1(Eashwarappa) on the aforementioned day, at about 1.45 pm., accused No.1 having formed unlawful assembly with the petitioners and others, armed with deadly weapons such as, knife, clubs, hammers & chilly-powder picked-up a quarrel with the complainant and his family members with an intention of taking-away their life, accused No.1 caused assault on the complainant's head with a knife and the petitioners herein along-with other accused-persons have accompanied the accused No.1, also assaulted the complainant with stick and other deadly weapons, thereby caused bleeding injuries. Further petitioners and other accused-persons have also assaulted on the family members of the complainant, therefore, this complaint came to be



lodged against the petitioners and other accused-persons, as a result, this case came to be registered against the petitioners as-well-as the other accused-persons in Cr.No.284/2024 by the Devadurga police-station.

11. The IO after due completion of investigation, has filed the final-report opining that, there is a prima-facie case against the accused-persons. From the available materials on record, it is noticed that these accused-persons were enlarged on bail by the Hon'ble High Court of Karnataka in Crl. Petition No.201216 of 2024, since they remained absent before the trial-court, non-bailable warrant came to be executed against them, as such, presently they are in judicial custody, hence, this application seeking an order of regular bail.

12. On the contrary, the learned Public Prosecutor has contended that, the alleged offences leveled against the



petitioners and other accused-persons are heinous in nature as such, IO has filed final-report making the allegations against them, any kind of leniency in connection with the grant of regular bail may lead to tampering of the prosecution evidence as well as witnesses and there are every chances of petitioners fleeing-away from the clutches of law and also involved themselves in such similar kind of activities, therefore it is prayed to reject the bail petition.

13. On perusal of the bail petition and other available materials on record, it can be noticed that, the prime allegations are against the accused No.1 by name Eashwarappa and the allegations against these petitioners are that they have accompanied the accused No.1 in commission of the alleged offences, prima-faciely no specific overt-act is forthcoming as against these petitioners. Moreover, IO has already filed the charge sheet, therefore



physical presence of these petitioners for any interrogation purpose is not warranted and allegations made against the accused persons are to be established after full-fledged trial. In addition, the Hon'ble High Court of Karnataka during the crime stage has granted bail to the accused No.1 as-well-as to these petitioners in Crl. Petition No.201216 of 2024 and it is thereafter these petitioners remained absent before the court which resulted in issuing non-bailable warrant against them. Therefore, having regard to the facts & circumstances and also considering the apprehension of the learned Public Prosecutor, it would be just & proper to enlarge the petitioners by imposing the stringent conditions.

14. At the out set, alleged offences are neither punishable with death nor imprisonment for life. The commission of offences by petitioners are required to be established during trial. The Hon'ble Supreme Court of India



in the decision of **State of Rajasthan, Jaipur V/s.**

Balachandh @ Baliay (AIR 1977 SC 2447) and in catena of decisions pleased to laid down the legal doctrine that "Bail is a rule and jail is an exception". This legal doctrine is laid down for safeguarding fundamental right under Article 21 of Constitution of India, granting the right to life and liberty.

15. It is forthcoming from the records that, investigation is completed and charge sheet is filed. The apprehension of the prosecution could be met by imposing stringent conditions to secure the accused persons during trial. Under these facts and circumstances and having regard to the nature of offences alleged and punishment prescribed and in view of the law laid down by Hon'ble Supreme Court of India in the case of **Satender Kumar Antil V/s. Central Bureau of Investigation in Miscellaneous Application**

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No.1849/2021 dated 11.07.2022, I am of the opinion that, it is proper to enlarge the petitioners on bail by imposing appropriate terms and conditions, in the interest of investigation and trial. Accordingly, point No.1 is answered in the **Affirmative.**

16. **POINT NO.2:-** In view of the aforesaid discussion, this court proceed to pass the following :

ORDER

Bail petition U/Sec.483 of BNSS-2023 filed by the petitioners/accused No's.4, 5 & 8 is allowed.

Petitioners/accused No's.4, 5 & 8 are ordered to be enlarged on bail in Cr.No.284/2024 of Devadurga Police Station, Devadurga for the offences punishable U/Secs.189(2), 191(2), 191(3), 329(3), 115(2), 118(1), 109, 352 & 351(2) R/w Sec.190 of BNS-2023 pending



on the file of I-Addl. Dist., & Sessions Court, Raichur on executing personal bond for Rs.1,00,000/- (Rupees One Lakh Only) each with one surety for like-sum on following:-

: CONDITIONS :

1. Petitioners shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
2. They shall appear before the trial court on all dates of hearing, without fail.
3. They shall not involve in criminal activities.
4. They shall furnish documents regarding their address proof and the address proof of their sureties and copies of their Aadhar cards before this court at the time of furnishing sureties.

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5. In the event any change in the residential address, petitioners and their sureties shall intimate the same to this court immediately without fail.

Violation of any of the conditions entitle the Investigating Officer to move for cancellation of bail.

(Dictated to the Stenographer Grade-III, transcribed by him and corrected by me and then pronounced in open court on this 5th day of June, 2026).

(MALA N.D.)
I Additional Dist. & Sessions Judge,
Raichur.