

KARC010011092026



Presented on : 16-03-2026

Registered on : 17-03-2026

Decided on : 01-04-2026

Duration : 0 years, 0 months, 16 days

**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE RAICHUR**

Dated this the 1st day of April, 2026

PRESENT

Sri Maruti S. Bagade,

B.Com., LL.B. (Spl),

Principal District & Sessions Judge,
Raichur.

Criminal Miscellaneous No.145/2026

- Petitioners:
1. Ambika W/o Venkatesh nayak
@ Venkatesh,(D/o Bhimaraya)
Aged about : 19 years,
Occ : Household,
R/o Murki gudda village,
Navalkal, Tq. Sirwar
Dist. Raichur,
now at Bagalwada village
Tq. Sirwar, Dist. Raichur.
 2. Bhimaraya S/o Giriya
@ Giriyappa Nayak,
Aged about : 49 years,
Occ : agriculture
R/o Murki gudda village,
Post: Navalkal, Tq. Manvi
Dist. Raichur.

3. Rangamma W/o Bhimaraya
@ Bhimaraya Nayak,
Aged about : 43 years,
Occ : Household,
R/o Murki gudda village,
Navalkal, Tq. Sirwar
Dist. Raichur.
4. Venkatesh S/o Bhimaraya
@ Bhimaraya nayak,
Aged about : 23 years,
Occ : agriculture,
R/o Murki gudda village,
Navalkal, Tq. Sirwar
Dist. Raichur.
5. Narasimha @ Narasimhalu
S/o Bhimaraya @ Bhimaraya
nayak, age : 20 years,
Occ : student,
R/o Murki gudda village,
Navalkal, Tq. Sirwar
Dist. Raichur, now at Ward
No.4, Valmike nagar,
Bagalwada.
(Accused No.1 to 5 as per FIR)
**(Represented by
Sri K.B, Advocate)**

// Vs //

Respondent: The State of Karnataka
by Sirwar Police Station,
Sirwar

**(Represented by the Public
Prosecutor)**

ORDER

This is the petition filed by the petitioners / accused No.1 to 5 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking anticipatory bail in Crime No.35/2026 of Sirwar Police Station registered for the offences punishable under Section 305 of Bharatiya Nyaya Sanhita (BNS) 2023, (Old u/Section 380 of IPC).

2. The learned PP filed the objections.
3. Heard the arguments and perused the records.
4. The points that would arise for my consideration are:

1) *Whether the petitioners are entitled for anticipatory bail?*

2) *What order?*

5. My findings on the above points are as under:

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

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

REASONS

6. **Point No.1:** Informant Bheemavva lodged an information with Sirwar police stating that on 25.01.2026 at about 9.30 a.m, when herself, her son and daughter were gone to the work at that time her daughter-in-law alone was in the house; and when she came back to house at evening hours, she saw that her daughter-in-law was not present in the house and also open the doors of Almarah and on search she noticed missing of cash of Rs.4,00,000/-, one Tole Jeromane of gold worth of Rs.65,000/- half tole Tikamane of Rs.45,000/- and half Tole gold sara, hence she enquired with her daughter-in-law and brother but both have denied about the missing of articles and cash. It has been further stated in the complaint that finally she came to know that, the relatives of her daughter-in-law Rangamma, Venkatesh and Narasimhalu came to her house. Hence suspecting them she lodged an information

before the Sirwar Police about theft of golden articles in her house.

7. On the basis of information, Sirwar police have registered the case under Crime No.35/2026 and issued FIR for the offence punishable under Section 305 of Bharatiya Nyaya Sanhita (BNS) 2023, (Old u/Section 380 of IPC). Hence, the petitioners being the suspected accused No.1 to 5 under the apprehension of arrest, have filed the present petition seeking protection of anticipatory bail.

8. In support of the bail application, the petitioners counsel has contended that, there is family dispute between the informant and the petitioners; petitioners are innocent have not committed any offences as alleged, because of this the informant colluding with police got booked a false case against the petitioners after 40 days of the alleged incident, and police on the basis of FIR trying

to arrest them. Further contention of the counsel is that, if the petitioners are subjected for custodial interrogation there are every chances of spoiling their name and fame in the society which triggers the situation. In the light of the aforementioned arguments the learned counsel for petitioners prayed for grant of anticipatory bail.

9. On the other hand, learned PP has resisted the application strongly on the grounds that the nature of allegations in the FIR clearly discloses the motive and intention of the petitioners to cause harass to the informant; this shows that if the petitioners are enlarged on bail there are every chances of threatening the witnesses and also petitioners may not co-operate for the investigation. In the light of the aforementioned reasons, the learned PP requested to dismiss the petition.

10. I have carefully examined the entire materials on record. The materials on record shows that there is family dispute between the informant and petitioners. Therefore, at present we cannot come to a conclusion that the petitioners have committed the theft of cash and gold ornaments. It is material to note that there is delay of 40 days in lodging the complaint before the police. The prosecution has not explained the reasons for delay in lodging the FIR. What is important to note here is that though the offence punishable under Section 305 of BNS, 2023 (old U/s.380 of IPC) is non-bailable it is not punishable with imprisonment more than 7 years. Not only that said offence is triable by the Magistrate. It is for these reasons in view of the provisions of Section 35(3) of BNSS 2023, arrest is not mandatory.

11. So far as the apprehension expressed by the learned P.P regarding non co-operation with

investigation is concerned in my opinion it can be mitigated by imposing strict conditions. It is well settled law that the bail is a rule and jail is an exception and as far as possible personal liberty of a person has to be protected from unnecessary arrest.

12. Keeping in view of these reasons, I hold that the petitioners have made out grounds for their enlargement on anticipatory bail in case of their arrest by the I.O in Crime No.35/2026 of Sirwar P.S. Hence, point No.1 under discussion is answered in the **affirmative**.

13. **Point No.2:** In view of the aforementioned reasons, I proceed to pass the following :

ORDER

The petition filed by the petitioners / accused No.1 to 5 under Section 482 of Bharatiya Nagarika Suraksha Samhite (BNSS), 2023 is hereby allowed.

Consequently, the respondent police are directed to release the petitioners on bail by executing their personal bonds for Rs.50,000/- (Rupees: Fifty Thousand only) each, with one surety for the like sum to the satisfaction in the event of their arrest in Crime No.35/2026 of Sirwar P.S. registered for the offence punishable Section 305 of Bharatiya Nyaya Sanhita (BNS) 2023.

This bail order is subject to the

: CONDITIONS :

- 1) The petitioners shall appear before the respondent police within 10 days from the date of this order without fail.
- 2) They shall make themselves available for interrogation and investigation by the I.O. as and when required.
- 3) They 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 him/her from disclosing such facts to the Court or to the concerned I.O.

- 4) In case, the petitioners failed to cooperate for investigation IO is at liberty to apply for cancellation of bail.

(Dictated to the Stenographer Grade-III directly on Computer, corrected, signed & then pronounced by me in the open Court on this the 1st day of April, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
Raichur.

*ssp