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Crl.Misc.No.227/2026

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

Dated this 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 : Guru Raghavendra S/o Mallesh,
Age: 30 years, Occ: Coolie,
R/o: I.B. Road, Ishwar Nagar,
Raichur.

(By: Sri Sharanappa Halli, Advocate)

Vs.

RESPONDENTS : 1. State of Karnataka by
Raichur West Police Station,
Raichur.

(By: Learned Public Prosecutor)

2. Maruthi S/o Narasimhalu,
Age: 27 years, Occ: Lorry Driver,
R/o: Near Ashapur Bus Stand,
Kandigeri, Raichur.

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ORDERS ON BAIL APPLICATION
U/Sec.483 OF B.N.S.S - 2023

Petitioner/accused has filed this petition U/Sec.483 of B.N.S.S-2023 praying this court for grant of regular bail in Spl.C.No.44/2025 (Cr.No.36/2025 of Raichur West Police Station) for the offences punishable U/Secs.118(1), 352, 351(2) of BNS-2023 & U/Secs.3(1)(r), 3(1)(s) & 3(2)(Va) of SC/ST (PA) Amendment Act, 2015, which is pending on the file of I Addl. Dist., & Sessions Judge, Raichur.

2. It is pleaded on behalf of the petitioner that,

he is innocent of alleged offences, has not committed any offences, he has been falsely implicated by the respondent/police at the instigation of complainant, there is no motive, aim or intention to commit the alleged offences, delay in filing the complaint and registering the case speaks in volumes about the falsity of the case and petitioner has not

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involved in any of the alleged offences either directly or indirectly.

It is submitted further on behalf of the petitioner that, petitioner is an innocent and law abiding citizen, hails from respectable family having deep roots in the society, he is the bread-earner and his entire family depending on him, he is a permanent resident of the address shown in the cause title, ready to abide by any of the terms and conditions that may be imposed by this court in the event of his release. Hence, this application by petitioner seeking to enlarge him on bail.

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

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

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5. Heard arguments. Perused the materials available on record.

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

1) Whether petitioner/accused has made out valid grounds for grant of regular bail U/Sec.483 of BNSS-2023?

2) What Order?

7. 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

8. **POINT NO.1:-** Along with petition, certified copies of charge-sheet, FIR along-with complaint & order-sheet filed. Perused the same.

9. The facts set out in the complaint and F.I.R., in brief, is as under;

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On 03.04.2025, at about 6.30 pm., in the evening, while the complainant was sitting besides Veeresh pan-shop, situated at Ashapur cross in Raichur city, accused demanded Rs.20/-, which was denied by the complainant expressing his inability, as such, accused being enraged, abused the complainant in filthy language and assaulted on his head with a bamboo-stick, thereby caused the bleeding injury by posing life threat with dire-consequences therefore, complainant approached the jurisdictional police-station, lodged the complaint which resulted in registering this criminal case against the petitioner for the afore-mentioned offences.

10. During the course of trial, accused was arrested on 15.04.2025 and he was in JC, later he was enlarged on bail during crime-stage. Upon

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completion of investigation, IO has filed the final-report opining that there is a prima-facie case against the petitioner. Since the accused was absent before the court, he was brought under warrant as such, he was once again sent to JC, hence the present application for regular bail.

11. On the other hand, the learned Public Prosecutor has filed objections opposing the release of the accused person with the contention that, there is a prima-facie case against the accused in respect of the alleged offences as such, IO has filed the final-report. Moreover allegations made against the accused are non-bailable in nature and triable by this court, in the event of release, petitioner may threaten, tamper and lure the prosecution witnesses and destroy the material evidence and also involve himself in similar kind of

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criminal activities. Hence, it is prayed to reject the bail petition.

12. On going through the petition averments and also from available materials from the record, it can be noticed that the petitioner has been alleged of abusing the complainant with filthy language by taking his caste and also causing bleeding injury on his head with a bamboo-stick. At present it is noticed that, the IO has already filed the final-report opining that there is a prima-facie case against the petitioner. IO has already filed his final-report, physical presence of petitioner is not warranted for any interrogation. In addition, this court has already granted bail in favour of the petitioner in Crl.Misc., No.312/2025, due to his absence, warrant came to be issued and executed, therefore seeking leniency to enlarge him on bail. Under the circumstances, having regard to the apprehension of the learned Public

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Prosecutor, stringent conditions can be imposed in the event of grant of bail in favour of the prosecution.

13. In addition, offences alleged against accused person though non-bailable neither punishable with death or imprisonment for life, the commission of offences and involvement of the petitioner in the alleged offences is 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.

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14. It is settled principle that benefit of bail is extended through out the trial, as such there is no report of criminal antecedents against the petitioner, the apprehension of prosecution could be met by imposing stringent condition to secure the accused persons during trial. The petitioner is in judicial custody since from 13.01.2026. Under the circumstances and in view of the law laid down by the Hon'ble Supreme Court in the case of **Satender Kumar Antil V/s. Central Bureau of Investigation in Miscellaneous Application No.1849/2021 dated 11.07.2022**, I am of the opinion that, it is proper to enlarge the petitioner on bail by imposing appropriate terms and conditions, in the interest of investigation and trial. Accordingly, Point No.1 is answered in the **Affirmative**.

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15. **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 petitioner/accused is allowed.

Petitioner/accused is ordered to be enlarged on bail in Cr.No.36/2025 of Raichur West Police Station, Raichur for the offences punishable U/Secs.118(1), 352, 351(2) of BNS-2023 & U/Secs.3(1)(r), 3(1)(s) & 3(2)(Va) of SC/ST (PA) Amendment Act, 2015, pending on the file of I Addl. Dist., & Sessions Judge, Raichur on executing personal bond for Rs.1,00,000/- (Rupees One Lakh Only) with one surety for like-sum on following:-

: CONDITIONS:

1. The petitioner shall furnish documents regarding his address proof and the address proof of his surety and copies of his Aadhar card at the time of furnishing surety.

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2. The petitioner 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 from disclosing such facts either to the Investigation Officer or to the trial court.
3. The petitioner shall not involve in any criminal activities.
4. In the event any change in the residential address, petitioner and his surety shall intimate the same to the trial 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.