

KARC010015462026



Presented on : 02-05-2026

Registered on : 04-05-2026

Decided on : 16-06-2026

Duration : 0 years, 1 months, 14 days

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

Dated this the 16th day of June, 2026

PRESENT

Sri Maruti S. Bagade,

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

Principal District & Sessions Judge &
C/C of II Additional Dist. & Sessions Judge,
Raichur.

Criminal Miscellaneous No.241/2026

- Petitioners : 01. Shiva S/o Late Venkatesh,
Aged about : 22 years,
Occ : agriculture,
02. Smt. Laxmi W/o Late Venkatesh,
Aged about : 45 years,
Occ : Household,
03. Smt. Paddamma W/o Late
Srinivas, aged about : 75 years,
Occ : Household,

All are R/o Ganmur village,
Tq & Dist. Raichur, now residing
at Near Vignyana School,
L.B.S. Nagar, Raichur.

(Accused No.1 to 3 as per FIR)

(Represented by

Sri. A.V.N. Advocate)

// Vs //

Respondent : The State of Karnataka
by Yapaldinni Police Station
Yapaldinni.

(Represented by the Public Prosecutor)

ORDER

This is the petition filed by the petitioners/accused No.1 to 3 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking anticipatory bail in Crime No.34/2026 of Yapaldinni Police Station registered for the offences punishable under Section 329(4), 115(2), 118(1), 109, 74, 352, 351(2) R/w 3(5) of BNS 2023 (U/Sec.448, 323, 324, 307, 354, 504, 506 R/w 34 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**: The prosecution paper reveals that, there is civil dispute between the informant and her family members in respect of land bearing Sy.No.179 and 181, therefore she has filed the civil suit in the civil Court for partition. This being so, on 13.04.2026 at about night 11.50 p.m, the accused No.1 trespassed the house of informant, picked up quarrel with her in respect of land dispute, abused her in fifthly language, dragged her sari and touched her body and went away. Thereafter, on 21.04.2026 at 3.00 p.m. the accused No.1 to 3 trespassed into the house of informant picked up quarrel with her, abused her in filthy language, accused No.1 put his leg on her neck and made an attempt to kill her. It is

further alleged that accused No.2 & 3 also assaulted the informant by hands and legs and and given life threat to her.

7. On the basis of information, Yapaladinni police have registered the case under Crime No.34/2026 and issued FIR for the offences punishable under Section 329(4), 115(2), 118(1), 109, 74, 352, 351(2) R/w 3(5) of BNS 2023 (U/Sec.448, 323, 324, 307, 354, 504, 506 R/w 34 of IPC). Hence, the petitioners being the accused No.1 to 3 having apprehension of their arrest have filed the present petition seeking protection of anticipatory bail.

8. During the course of argument the learned petitioners counsel has contended that, there is a civil dispute, in this regard a case and counter case came to be registered against each group in respect of same incident in the same police station under the Crime No.34/2026 & 33/2026 for the similar

offences. This shows that the police colluding with the informant have filed false case against the petitioners. Further contention of the petitioners counsel is that, the petitioners are law abiding citizen, having their own status and respect in the society; accused No.1 being agriculturist and accused No.2 & 3 are women have not committed any offences as alleged in the FIR, under the circumstances if the petitioners are subjected for custodial interrogation it will defame them in the society, hence it is fit case to release the petitioners on anticipatory bail.

9. On the other hand, the contention of the learned PP is that, the present petitioners with their common intention to kill the informant in respect of land dispute, trespassed in to the house of informant when she was alone in the house and have collectively assaulted her and caused injuries and also tried to kill her; under the circumstances if the

petitioners are released on bail, there are every chances of repeating the assault or threat against the informant & others, hence it is appropriate to reject the petition.

10. After careful examination of entire materials on record one thing is crystal clear that after 10 days of the first incident on 13.04.2026 and after 02 days of the second incident dated: 21.04.2026 the informant has lodged the computerized information. This itself creates some doubt in the bonafideness of the history of incident narrated in the FIR. The medical records submitted by the petitioners counsel shows that the injured was treated as OPD patient. This shows that informant / injured did not suffer any kind of grievous injuries. Whether the petitioners were having intention to kill the informant or not it all depends upon the evidence likely to be collected by the I.O. during the course of investigation, hence at present no inference can be

drawn about the existence of motive/ intention to kill the informant.

11. It is also noticed that the and counter cases came to be registered between both the parties in the same police station for the similar offences under Crime No.33/2026 and 34/2026. Therefore what I would like to state is that, at present there is no prima facie evidence to show that the petitioners were first assailants. That apart the petitioner No.2 and 3 are 45 and 75 years old women. What is surprising to note is that, the police have not mentioned the age of the accused No.3 in the FIR.

12. So far as the apprehension expressed by the learned PP that the petitioners may repeat the offences or give threat to the witnesses is concerned, in my considered opinion even though there are no such chances, yet his apprehension can be mitigated by imposing stringent conditions. It is settled

principles of law that, as much as possible personal liberty of the accused to be protected so as to avoid development of further grudge against each other and to uphold the doctrine of law that the bail is a rule and jail is an exception.

13. In the light of the above stated reasons, I am of the opinion that the petitioners have made out grounds for their enlargement on anticipatory bail. Hence, point No.1 under discussion is answered in the **affirmative**.

14. **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 3 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 on by executing personal bonds for Rs.50,000/-each (Rupees Fifty Thousand only) with one surety for the like sum to their satisfaction in the event of their rrest in Crime No.34/2026 of Yapaldinni P.S. registered for the offences punishable Section 329(4), 115(2), 118(1), 109, 74, 352, 351(2) R/w 3(5) of BNS 2023.

This bail order is subject to the

:CONDITION:

- 1) The petitioners shall appear before the respondent police within 10 days from the date of this order without fail.
- 2) They shall make 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 16th day of June, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
&
C/C of II Additional Dist. & Sessions
Judge, Raichur.

*ssp