

KARC010015962026



Presented on : 12-05-2026
Registered on : 13-05-2026
Decided on : 12-06-2026
Duration : 0 years, 1 months, 0 days

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

Dated this the 12th day of June, 2026

PRESENT

Sri Maruti S. Bagade,
B.Com., LL.B. (Spl),
Principal District & Sessions Judge &
C/C of II Addl. Dist. & Sessions Judge, Raichur.

Criminal Miscellaneous No.268/2026

Petitioners: 01. Neelamma W/o Late Mallakoli
Anjnappa @ Anjinayya,
Aged about : 35 years,
Occ : agriculture,
R/o Koratakunda village,
Tq & Dist. Raichur.

02. Venkatesh S/o Mareppa
Aged about : 43 years,
Occ : agriculture,
R/o Mamididoddi village,
Tq & Dist. Raichur.

(Accused No.1 & 2 as per FIR)

***(Represented by
Sri. B.K. 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 & 2 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail in Crime No.37/2026 of Yapaldinni Police Station registered for the offences punishable under Sections 275, 286 & 123 of BNS 2023 (U/Sec.273, 284 & 328 of IPC) & Sec.32 & 34 of K.E Act 1965.

2. The learned PP filed the objections.
3. Heard the arguments of learned counsel for petitioner and learned P.P and perused the records.
4. The points that would arise for my consideration are:
 - 1) *Whether the petitioners are entitled to be released on regular 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:** On perusal of FIR what revealed is that one HC No.151 of Yapaldinni village on duty on 30.04.2026 at about 12.00 p.m, received a credible information regarding sale of toddy adulterated with C.H. Powder by 1) Neelamma W/o Mallakoli Anjinappa and 2) Sri. Venkatesh S/o Mareppa in front of their house and therefore he filed complaint before the SHO who in turn registered a case under Crime No.37/2026 and issued FIR for the offences punishable under Section 275, 286, 123 of BNS 2023 (U/Sec.273, 284 & 328 of IPC) & Sec.32 & 34 of K.E Act 1965 and took up investigation. On the basis of complaint I.O visited the Kortakunda village and saw two persons were selling the toddy, hence I.O put raid and caught hold them; thereafter the I.O. recovered in all 67 plastic pockets containing toddy mixed with C.H. Powder as well as amount of Rs.1030/- under panchanama in the presence of panchas and came back to P.S and after following the arrest procedure

has produced the accused No.1 and 2 before the Additional Civil Judge & JMFC-III Raichur, who in turn remanded them to judicial custody. It is therefore, the petitioners have filed the present petition seeking their enlargement on regular bail as provided under Section 483 of BNSS 2023.

7. During the course of argument the learned petitioners counsel has contended that, Yapaldinni police have booked a false case against the petitioners for statistical purpose. Learned counsel further contended that the petitioners were agriculturists; only bread earning members of the family; have been detained in jail since 30.04.2026; ever since their family are suffering from financial crisis; not only that the further detention of the petitioners in jail is not necessary. The learned counsel further contended that, the petitioners are innocent, aged about: 35 and 43 years respectively; moreover the petitioner No.1 is a lady; both have not committed any offences as alleged in the FIR; that

apart the offences alleged against the petitioners are not punishable with death or imprisonment for life. Learned petitioners counsel further contended that though the offence under Sec.123 of BNS 2023 is triable by the Sessions Court, it is not a ground to reject the bail. In the light of the above reasons learned counsel prayed to release the petitioners on bail.

9. On the other hand, the contention of the learned PP is that huge quantity of toddy adulterated with C.H. Powder came to be recovered from the possession of the petitioners which are dangerous to human life. Learned PP further contended that, the petitioner No.2 is habitual offender; had already been involved in other similar 02 crimes, under the circumstances if he is enlarged on bail, there are every chances of repetition of similar offences as well tampering the investigation, therefore, regular bail cannot be granted to the petitioners.

10. I have carefully examined the entire materials on record. No doubt the petitioner / accused No.1 is lady, aged about 35 years and behind the bars since 30.04.2026 that itself is not a ground to enlarge her on bail. It is matter of record that, the offences alleged against the petitioners are not punishable with death or imprisonment for life. It is also important to note that, at present there is no prima facie materials on record to show that the seized toddy is adulterated with C.H. Powder. Until the investigation is completed and FSL report is received in favour of prosecution, it is not possible to hold that the petitioners are guilty of the offence punishable under Sec.123 of BNS 2023.

11. It is well settled law that, in the guise of pending of investigation court cannot detain the accused behind bars for unlimited time. According to the observations of Hon'ble Supreme Court bail is a rule and jail is an exception. In view of these reasons, I am of the confident opinion that, though

investigation is under progress, it is not advisable to detain the petitioners behind the bars, for uncertain time because their presence is no more required either for custodial interrogation or for inquiry/trial before the Court, hence, point No.1 under discussion is answered in the **affirmative**.

12. **Point No.2:** While dealing with the point No.1 and on perusal of prosecution papers, it has been noticed that the petitioner/ accused No.2 deserves to be enlarged on bail. But looking into the earlier history of the petitioner No.2 involving in two similar cases, one can easily say that he is a habitual offender and if he is released on bail without strict conditions, there will be no threat of law as much as the Court in his mind. Therefore, I would like to impose cash security along with one surety with other conditions. With these observation, now I proceed to pass the following:

ORDER

The bail application filed by the petitioners / accused No.1 & 2 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is hereby allowed.

Consequently, the petitioners are ordered to be enlarged on bail by executing personal bonds for Rs.50,000/- each (Rupees Fifty Thousand only) with a surety for the like sum, to the satisfaction of the learned Magistrate in Crime No.37/2026 of Yapaldinni Police Station registered for the offences punishable under Section 275, 286 & 123 of BNS 2023 & Sec.32 & 34 of K.E Act 1965 and also on deposit of cash security of Rs.50,000/- by the petitioner No.2 only.

However, this bail order is subject to the following:

:CONDITIONS:

- 1) The petitioners shall not directly or indirectly make any inducement, threat or promise to

the informant or any other prosecution witnesses so as to dissuade them from disclosing any facts to the Court or to the I.O.

- 2) The petitioners shall not involve in similar offences in future, failing which the bail granted in this case will be cancelled and cash security will be confiscated to the State.

(Directly dictated to the Stenographer Grade-III, typed by him, corrected, signed & then pronounced by me in the open Court on this the 12th day of June, 2026).

(Maruti S. Bagade)

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

*ssp