

KARC010016542026



Presented on : 21-05-2026
Registered on : 22-05-2026
Decided on : 18-06-2026
Duration : 0 years, 0 months, 28 days

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

Dated this the 18th day of June, 2026

PRESENT

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

Criminal Miscellaneous No.284/2026

- Petitioners : 01. Shoib @ Shoyad S/o Babu E.
Age : 19 years, occ : private work,
R/o : Talmari village,
Tq. Manvi, Dist. Raichur.
02. Younus @ Mohd. Younus
S/o Basheere Ahmed,
Age: 49 years,
Occ: Business,
R/o : Talmari village,
Tq. Manvi, Dist. Raichur.
03. Tahir @ Tahir Pasha
S/o Nazeer Ahmed
Age: 43 years,
Occ: Business,
R/o : H.No.129, Talmari village,
Tq. Manvi, Dist. Raichur.
(Accused No.9, 11 & 15 as per FIR)

***(Represented by
Sri. Krishna Bhat, Advocate)
// Vs //***

Respondent : The State of Karnataka
by Sadar Bazar Police Station,
Raichur.

***(Represented by the Public
Prosecutor)***

ORDER

This is the petition filed by the petitioners / accused No.9, 11 & 15 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail in Crime No.44/2026 of Sadar Bazar Police Station, Raichur registered for the offences punishable under Section 189(2), 191(2), 191(3), 115(2), 118(1), 351(2), 351(3) & 190 of BNS 2023 (U/Sec.142, 147, 148, 323, 324, 506 & R/w Sec.149 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 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:** According to prosecution case on the MLC intimation of RIMS hospital Sadar Bazar police visited the RIMS Hospital, enquired the injured wherein M.D. Kibriya has given a statement before the Police stating that on 11.05.2026 at about 8.30 p.m. when the informant along with his brothers namely Jakkriya and Sanavulla was taking Tea nearby Tahasil office Raichur, at that time accused being the members of unlawful assembly came there with their common object and picked up quarrel with them assaulted him on the head, neck, back of the body with knife and also assaulted by hands and legs and caused bleeding injuries in

respect of Lokayukta case pending before the Court. It is further alleged that, the accused have also assaulted his brother by hands and legs on his face, back of the body and given life threat.

7. On the basis of information, Sadar Bazar police have registered the case under Crime No.44/2026 and issued FIR for the offences punishable under Section 189(2), 191(2), 191(3), 115(2), 118(1), 351(2), 351(3) & 190 of BNS 2023 (U/Sec.142, 147, 148, 323, 324, 506 & R/w Sec.149 of IPC) and during the course of investigation arrested the petitioners / accused No.9, 11 & 15 on 16.05.2026 and produced before the jurisdictional Magistrate, who in turn remanded them to judicial custody as because in remand application offence under Sec.109(3) of BNS came to be included. It is therefore, the petitioners have filed the present petition seeking their enlargement on regular bail as provided under Section 483 of BNSS 2023.

8. During the course of argument the learned petitioners counsel has contended that, as per the prosecution papers there is a dispute between both the parties in respect of OS.No.223/2022 which is pending before the Civil Court at Raichur. Further contention of the petitioners counsel is that though the offence under Sec.109 of BNS 2023 was not incorporated in the FIR it came to be included subsequently in remand application. This shows that the police colluding with the informant have booked a false case against the petitioners and further contended that the petitioners being private workers only bread earning member of their family who are detained in jail since 16.05.2026; ever since their families are suffering from financial crisis; not only that further detention of the petitioners in jail is not necessary hence it is fit case to release the petitioners on bail.

9. On the other hand, the contention of the learned PP is that the petitioners in respect of pending of Lokayukta case assaulted the informant with knife and caused bleeding injuries; still the case is under investigation; if the petitioners are released on bail, there are every chances of repeating the assault against the informant & others and also hampering the investigation, hence it is not fit case to release the petitioners on bail.

10. I see no force in the contention of the learned PP. It is so because having regard to the factual matrix of the case I feel necessity of detail investigation by the police to find out who were the 1st assailants. It is necessary because materials on record discloses that, there is some land dispute between both the parties as well as Lokayukta case as well as pending of counter case under Crime No.45/2026 for the similar nature of offences. Medical record reveals that the informant admitted

to the RIMS Hospital with history of assault on 12.05.2026 and already discharged on 21.05.2026. That apart what is important to note is that, though the police have not included the offence under Sec.109(1) of BNS 2023, in FIR, it came to be included subsequently in the remand application which throws serious doubt upon the genuity of police investigation.

11. So far as the apprehension expressed by the learned PP that the petitioners may commit the similar offences or give threat to the witnesses is concerned, what I am of the opinion is that the stringent conditions can be imposed in this regard.

12. It is settled law that, as much as possible personal liberty of the accused is to be protected so as to avoid development of further grudge against each other. It is also matter of record that, the police have arrested the petitioners on 16.05.2026 and

produced before the jurisdictional Magistrate and ever since they are in judicial custody and therefore it is obvious that their presence is no more required either for further investigation before the police or before the court for any inquiry or trial. That apart materials on record discloses that if the petitioners are released on bail there are no chances of repetition of offences against the informant and others nor there are any chances of absconding. Not only that none of the other offences are punishable with death or compulsory imprisonment for life.

13. Keeping in view of the aforementioned reasons, as well as the doctrine that the bail is rule and jail is an exception and also the age of the petitioner No.1, I am of the confident opinion that the petitioners detention behind the bars since no more required either for further investigation or for any inquiry/trial, they are entitled for release on regular

bail but subject to the conditions, 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.9,11 & 15 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 one surety for the like sum, to the satisfaction of the learned Magistrate in Crime No.44/2026 of Sadar Bazar Police Station registered for the offences punishable under Section 189(2), 191(2), 191(3), 115(2), 118(1), 351(2), 351(3), 109(1) & 190 of BNS 2023.

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) They shall appear before the I.O. for interrogation if called for.
- 3) They shall regular before the Court during the course of trial.
- 4) In case, the petitioners failed to co-operate 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 18th day of June, 2026).

(Maruti S. Bagade)

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

*ssp