

KARC060004622026



IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.

Crl. Misc. Nos.5203 & 5204/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur.

Dated this the 4th day of June, 2026

PETITIONERS in Crl.Misc.No.5203/2026:-

1. Basavaraj, S/o.Hanumeshappa, 41 years,
Agriculture,
2. Dadepeer, S/o.Khadarabasha, 23 years,
Agriculture,
3. Subhan @ Subhanu, S/o.Khadarabasha,
28 years, Agriculture,

All are R/o.Basavarajeshwari Camp
Post: Alabanur, Sindhanur,
Tq.Sindhanur, Dist.Raichur.

(Accused No.1, 3 & 4 as per FIR)
(By Shri M.A.G., Adv.,)

PETITIONERS in Crl.Misc.No.5204/2026:-

1. Mahiboob, S/o.Khadarabasha, 29 years, Agriculture,

- 2) Dadapeera, S/o.Nabisab, 41 years,Agriculture,
- 3) Khadarbasha @ Khadarsab, S/o.Hussainbasha
@ Hassansab, 55 years, Agriculture,
- 4) Mahiboob, S/o.Nabisab, 48 years, Agriculture,
- 5) Najeerasab, S/o.Nabisab, 46 years, Agriculture,

All are R/o.Basavarajeshwari Camp
Post: Alabanur, Sindhanur,
Tq.Sindhanur, Dist.Raichur.

(Accused No.2 and 5 to 8 As per FIR)
(By Shri M.A.G., Adv.,)

// Versus //

RESPONDENT COMMON :-

The State through SHO, Sindhanur Rural P.S.,
Dist. Raichur.

(By learned Public Prosecutor)

COMMON ORDER

The petition in Crl.Misc.No.5203/2026 is filed under Section 483 of BNSS, whereas the petition in Crl.Misc.No.5204/2026 is filed under Section 482 of BNSS, for regular bail and anticipatory bail respectively, in connection with Cr.No.183/2026 registered by Sindhanur Rural Police Station for the offences punishable under Sections 189(2), 191(2), 191(3), 115(2), 118(1), 109(1), 126(2), 352, 351(2), 190 of BNS.

2. The case of the prosecution, as could be seen from the records, is that on

06.05.2026 at about 9.00 p.m., the complainant/Tanmay and his cousin Shankar were proceeding on a motor cycle from RH Camp-2 towards RH Camp-5. Shankar was riding the motor cycle. It is alleged that he was riding the vehicle in a rash and negligent manner. At that time, a dog suddenly came on the road and in order to avoid hitting the dog, Shankar allegedly turned the vehicle towards the extreme side of the road. Consequently, the motor cycle dashed against one Reshma and thereafter the motor cycle fell into the canal. According to the prosecution, immediately after the said incident, accused No.1 to 7, who are relatives of Reshma, came to the spot along with other persons holding iron rods and clubs. It is alleged that they abused Tanmay and Shankar in filthy language, tied them with rope and thereafter assaulted them with sticks with an intention to commit their murder. Subsequently, members of the general public are said to have intervened and rescued the victims. Thereafter, the victims took treatment in the hospital and after receiving treatment, the matter was reported to the police on 07.05.2026. On the basis of the said complaint, FIR came to be registered against the accused persons. During the course of investigation, the police arrested accused No.1/Basavaraj, accused No.3/Dadapeera and accused No.4/Subhani on 07.05.2026 and they have filed Crl.Misc.No.5203/2026 seeking regular bail. The remaining accused shown in the FIR have filed Crl.Misc.No.5204/2026 seeking anticipatory bail apprehending their arrest.

3. Since both petitions arise out of the same crime number, they are clubbed together and a common order is passed.

4. The prosecution has filed objections to both petitions, reiterating the allegations in the complaint and praying to reject both petitions.

5. The learned counsel for the petitioners has argued that if the allegations in the complaint are accepted as it is, such allegations do not constitute the offence u/S.109(1) of BNS and such allegation may attract the offence u/S.118(1) of BNS. There is no prima facie case against the petitioners for the offence u/S.109(1) of BNS. The remaining offences are bailable in nature. The petitioners are residing within the jurisdiction of this court and they are ready to co-operate with the investigation and to appear before the court regularly. The further detention of accused No.1, 3 and 4 is not required. The custodial interrogation of the remaining accused is not required. If they are arrested, they would be humiliated. In support of his argument, he has placed reliance on the following judgments; 1) 2017 (2) KCCR 1666 (Laxman and Others Vs., State through Hunsagi Police Station, 2) Thimmappa @ Thimmegowda and Others Vs., State through Saligrama Police Station, 3) Rizwan @ Rizwan Malgatti Vs., State through Roza Police Station and 4) Harsha Vs., State of Karnataka. I have carefully perused the judgments relied upon by the petitioners. The Hon'ble High Court of Karnataka has granted bail in those matters after considering the facts and circumstances of the case.

6. I have carefully perused the records.

7. The following points arise for my consideration:

1. Whether the petitioners in Crl.Misc.No.5203/2026 are entitled to regular bail under Sec.483 of B.N.S.S. ?

2. Whether the petitioners in Crl.Misc.No.5204/2026 are entitled to anticipatory bail under Sec.482 of B.N.S.S. ?

8. My findings on the above points are in the affirmative, for the following;

:: REASONS ::

9. **Point Nos.1 & 2:-** The allegations in the complaint show that due to hitting of the motor cycle of Shankar to Reshma, the scuffle started in a spur of moment. There was no intention of any of the accused to commit murder of Tanmay or Shankar, which can be seen from the records. It has been alleged that the accused have tied Tanmay and Shankar with rope and assaulted them with an intention to commit their murder. In order to show the nature of the injuries, the prosecution has not produced any medical records. On the contrary, the Investigation Officer in his objection statement has stated that Shankar was discharged from the hospital on 16.5.2026. Tanmay was discharged from the Government Hospital, Sindhanur on the date of treatment itself. These facts show that both the victims are out of danger. The material on record does not show that either of the victims sustained grievous injuries. Therefore, the offence u/S.109(1) of BNS may not attract to the case. At this stage, it can be stated that there is no prima facie case against the petitioners for the offence u/S.109 of BNS.

10. The offence u/S.118(1) of BNS is the other non-bailable offence, but it is not punishable with death or imprisonment for life. The remaining offences are bailable in nature. Accused No.1, 3 and 4 are in judicial custody from 7.5.2026. Their custodial

interrogation is completed. The investigation would take its own time. There is no necessity to keep them in judicial custody till completion of the investigation or trial. Their presence can be secured easily for the purpose of investigation or trial.

11. There is no overt act against the petitioners in Crl.Misc.No.5204/2026 who have filed application for anticipatory bail. Nothing is to be recovered at their instance. Therefore, the custodial interrogation of those accused may not be required. If they are arrested, they would be humiliated.

12. It is worth noting that Dadapeer, who is accused No.5, has registered FIR in Cr.No.184/2026 against Shankar, who is the victim of the present case. Therefore, the present case and the case in Cr.No.184/2026 are case and counter case. The said case was also registered due to road rage. Considering the facts and circumstances of the case, I am of the opinion that accused Nos.1, 3 and 4 are entitled to regular bail, and the remaining accused/petitioners are entitled to anticipatory bail. Accordingly, I answer the points under consideration in the affirmative and proceed to pass the following:

ORDER

The bail petition in Crl.Misc.No.5203/2026 filed by the petitioners under Section 483 of BNSS is hereby allowed.

The petitioners are ordered to be released on bail in Cr.No.183/2026 of Sindhanur Rural Police Station on executing a personal bond for a sum of Rs.50,000/- each, with one surety for the

like sum, subject to the following conditions:

1. They shall furnish ID proof of themselves and the surety.
2. They shall not tamper with or threaten the prosecution witnesses.
3. They shall appear before the court regularly.

The bail petition in Crl.Misc.No.5204/2026 filed by the petitioners under Section 482 of BNSS is hereby allowed.

The Sindhanur Rural Police are directed to release the petitioners in Crl.Misc.No.5204/2026 on anticipatory bail, in the event of their arrest in Cr.No.183/2026, on executing a personal bond for a sum of Rs.50,000/- each with one surety for the like sum, subject to the following conditions:

1. They shall surrender before the concerned court within 15 days from the date of this order and execute personal and surety bonds.
2. They shall furnish ID proof of themselves and the surety.
3. They shall co-operate with the investigation.
4. They shall not tamper with or threaten the prosecution witnesses.

(Dictated to the Stenographer, transcribed by her, corrected, signed, and then pronounced by me in open court on this the 4th day of June, 2026.)

(B. B. Jakati)

**III Addl. District & Sessions Judge, Raichur,
Sitting at Sindhanur.**