

KARC060004992026



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

Crl. Misc. No.5226/2026

PRESENT

SRI. SOMASHEKARA A., B.A.L., LL.M.,
III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
SITTING AT SINDHANUR

Dated this the 15th day of July, 2026

PETITIONER/S:-

1. Amarappa, S/o.Basappa, 50 years,
Agriculture,
2. Gouramma, W/o.Late Basappa, 75
years, Agriculture,

Both are R/o.Tuppadur village, Maski
Taluk, Raichur Dist.

(Accused No.2 and 3 as per FIR)

(By Shri C.D., Adv.,)

// Versus //

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**RESPONDENT/S:-**

The State through SHO, Kavithal
Police Station, Dist. Raichur.

(Through learned Public Prosecutor)

ORDER

The present petition is filed by petitioner Nos.1 and 2/Accused Nos.2 and 3 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the relief of anticipatory bail in the event of their arrest in Crime No.61/2026 of Kowthal Police Station, registered for the offences punishable under Sections 115(2), 118(2), 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor for the respondent-State. Perused the petition, FIR, complaint and objections filed by the prosecution.

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**3. Brief Facts:**

The prosecution case, in brief, is that there exists a long-standing dispute between the complainant and the accused persons regarding partition of their ancestral agricultural property. It is alleged that on 27.04.2026 at about 5.30 p.m., when the complainant and his brother questioned the accused regarding their share in the ancestral property near the house of the accused, all the accused abused them in filthy language. It is specifically alleged that accused No.1 attempted to stab the complainant's brother with a knife and, while warding off the blow, the knife struck his left elbow causing grievous injury. It is further alleged that accused No.1 assaulted the complainant on his face, accused No.2 assaulted the injured with an iron rod on his back and legs, and accused No.3 instigated accused No.1 by shouting that the complainant and his brother should be killed then and there. Thereafter all the accused allegedly threatened the complainant with dire

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consequences if they again approached them regarding the property. On the basis of the complaint, the present crime came to be registered.

4. The learned counsel for the petitioners contends that the entire case has arisen out of a civil dispute relating to ancestral property. It is argued that the allegations against accused Nos.2 and 3 are exaggerated and have been made only to rope in all the family members. It is further submitted that accused No.1, against whom the principal allegation of assault with the knife is made, has already been arrested and released on regular bail by the competent Court. Therefore, on the principle of parity, the present petitioners are also entitled to anticipatory bail. It is also submitted that petitioner No.2 is an elderly lady aged about 75 years suffering from age-related ailments, petitioner No.1 is a permanent resident of the village, and both petitioners undertake to cooperate with the investigation and abide by any condition imposed by the Court.

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5. Per contra, the learned Public Prosecutor vehemently opposed the petition contending that the allegations disclose commission of serious offences involving grievous injuries. It is submitted that petitioner No.1 is alleged to have assaulted the injured with an iron rod and petitioner No.2 instigated the commission of the offence. It is further contended that if anticipatory bail is granted, the petitioners may threaten the complainant and other witnesses, tamper with the prosecution evidence and create law and order problems in the village. Hence, the petition deserves to be rejected.

6. On rival submission on both sides only point for Consideration is ;-

Whether the petitioners/Accused Nos.2 and 3 have made out sufficient grounds for grant of anticipatory bail under Section 482 of BNSS?

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7. My Finding on the above said point is in the affirmative, for the following;

REASONS

8. The complaint and the FIR disclose that the genesis of the incident is an admitted dispute regarding ancestral immovable property between close relatives. Thus, the occurrence appears to have taken place in the background of an existing civil dispute over partition of family property. Whether the allegations are ultimately true or false is a matter to be determined during the course of trial after recording evidence.

9. A careful reading of the complaint indicates that the principal allegation of attempting to stab the injured with a knife is exclusively attributed to accused No.1. The allegations against accused No.2 are that he assaulted the injured with an iron rod, while accused

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No.3 is alleged to have shouted words of instigation. Thus, the allegations against the present petitioners are distinguishable from those against accused No.1. Significantly, accused No.1 has already been arrested and released on regular bail by the competent Court. Once the principal accused has already been enlarged on bail, the claim of the present petitioners for anticipatory bail deserves to be considered on the principle of parity unless there exist exceptional circumstances warranting a different view.

10. The investigation is still in progress. However, the prosecution has not placed any material before this Court to demonstrate that custodial interrogation of the present petitioners is indispensable for effective investigation. The weapons allegedly used are stated to have been recovered or are capable of being recovered independently during investigation. Mere apprehension that the petitioners may not cooperate cannot by itself justify denial of

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anticipatory bail when appropriate conditions can adequately safeguard the investigation.

11. Petitioner No.2 is a 75-year-old woman. Her advanced age is a relevant circumstance while considering a prayer for anticipatory bail. Petitioner No.1 is a permanent resident of the address shown in the cause title and there is nothing on record to indicate that either of the petitioners has criminal antecedents or is likely to abscond. Their permanent residence substantially reduces the possibility of their evading the process of law.

12. The objections filed by the prosecution mainly express apprehensions regarding witness intimidation, tampering of evidence and repetition of similar offences. Such apprehensions are general in nature. They can be effectively addressed by imposing stringent conditions requiring the petitioners to cooperate with the investigation, refrain from influencing witnesses and remain available to the

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Investigating Officer whenever required.

13. It is well settled that while considering an application for anticipatory bail, the Court is not expected to conduct a meticulous examination of the evidence or decide the merits of the prosecution case. The object of anticipatory bail is to protect the personal liberty of an individual against unnecessary arrest while ensuring that the investigation is not prejudiced. The seriousness of the accusation is certainly an important consideration, but it cannot be the sole ground to refuse anticipatory bail where custodial interrogation is not shown to be imperative and the interests of justice can be protected by appropriate conditions.

14. Having regard to the nature of the allegations, the background of the dispute, the fact that the principal accused has already been granted regular bail, the age of petitioner No.2, the absence of material indicating criminal antecedents, and balancing the

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right to personal liberty with the interest of a fair investigation, this Court is of the considered opinion that the petitioners have made out a fit case for grant of anticipatory bail.

15. Accordingly, the point for consideration is answered in the **Affirmative**. Thus I proceed to pass the following;

ORDER

The petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed.

In the event of arrest of petitioner No.1/Accused No.2 and petitioner No.2/Accused No.3 in Crime No.61/2026 of Kowthal Police Station, they shall be released on bail subject to the following conditions:

1. Each petitioner shall execute a

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personal bond for a sum of ₹1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Arresting Officer/Investigating Officer.

2. The petitioners shall surrender before the Investigating Officer within ten (10) days from the date of receipt of this order and shall cooperate with the investigation.

3. The petitioners shall appear before the Investigating Officer as and when called for interrogation.

4. The petitioners shall not directly or indirectly induce, threaten or promise any prosecution witness or tamper with the prosecution evidence.

5. The petitioners shall not involve themselves in any offence of a similar

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nature during the pendency of the case.

6. The petitioners shall furnish their correct residential address and mobile numbers to the Investigating Officer and intimate any change thereof forthwith.

7. Violation of any of the above conditions shall entail cancellation of the bail granted herein in accordance with law.

(Dictated to the Steno Grade-I, on monitor typed by her, corrected, signed and then pronounced by me in the open court, on this the 15th day of July, 2026.

(SOMASHEKARA A.)

III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
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