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

Crl. Misc. No.5261/2026

PRESENT

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

Dated this the 13th day of July, 2026

PETITIONER/S:-

Balanna @ Balakrishna,
S/o.Narasimhamurthy, 46 years,
Agriculture, R/o.107 Devana
Halli Taluk, Devanahalli,
Bengaluru Rural Dist.

(Accused No.5 as per remand
application)

(By Shri G.S., Adv.,)

// Versus //

RESPONDENT/S:-

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

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**ORDER**

This is a petition filed by the petitioner/Accused No.5 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in Crime No.86/2026 of Balaganur Police Station, registered for the offences punishable under Sections 303(2) and 305(d) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the petition, statement of objections and the available investigation records.

3. **Brief Facts**

The prosecution case, in brief, is that the complainant is the Secretary of Shatapuresh Anjaneya Temple situated at Balaganur. The temple priest informed the complainant on

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15.05.2026 at about 6.00 a.m. that the standing stone idol of Lord Ganesha installed in the temple premises had been stolen. Thereafter, the complainant, along with the Revenue Inspector, visited the temple and found that the idol was missing. It is further alleged that though CCTV cameras were installed, they had remained non-functional from 05.05.2026. It is alleged that during the intervening night of 14.05.2026 and 15.05.2026, unknown persons committed theft of the stone idol valued at about ₹1,00,000/-. On the basis of the complaint, Crime No.86/2026 came to be registered and during the course of investigation the present petitioner has been shown as Accused No.5.

4. Contentions of the petitioner

The learned counsel for the petitioner contended

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that the petitioner has been falsely implicated in the case and his name does not find place either in the complaint or in the FIR. It is further submitted that his implication is only during the course of investigation without any independent material. The petitioner is a permanent resident of the locality, having deep roots in society and there is no likelihood of his absconding. It is also contended that he is the sole breadwinner of his family and has four minor daughters to maintain. The petitioner has undertaken to cooperate with the Investigating Officer and abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail.

5. Objections of the prosecution

The learned Public Prosecutor has seriously opposed the petition contending that the investigation is still in

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progress. The offence relates to theft of a deity idol from a temple, which has religious and public importance. It is submitted that if the petitioner is granted anticipatory bail, he may influence the witnesses, tamper with the prosecution evidence, hamper further investigation and evade the process of law. Therefore, it is prayed that the petition be rejected.

6. I have heard the learned counsel appearing for the petitioner and the learned Public Prosecutor for the respondent-State. I have carefully perused the records produced.

7. The point that arises for my Consideration is;

Whether the petitioner/Accused No.5 has made out sufficient grounds for granting anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime

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**No.86/2026 of Balaganur Police
Station?**

8. My Finding on the above point is in the affirmative for the following:

REASONS

9. This is the first anticipatory bail petition filed by the petitioner/Accused No.5 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No.86/2026 of Balaganur Police Station registered for the offences punishable under Sections 303(2) and 305(d) of the Bharatiya Nyaya Sanhita, 2023.

10. The prosecution case, in brief, is that the complainant is the Secretary of Shathapuresh Anjaneya Temple situated at Balaganur. On 15.05.2026 at about 6.00

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a.m., the temple priest informed the complainant that the standing stone idol of Lord Ganapathi installed in the temple premises was found missing. The complainant, along with the Revenue Inspector, visited the temple and found that the idol had been stolen. It is further alleged that though CCTV cameras were installed in the temple premises, they had remained non-functional from 05.05.2026. It is alleged that during the intervening night of 14.05.2026 and 15.05.2026, unknown persons committed theft of the stone idol valued at about ₹1,00,000/-. Based upon the complaint, Crime No.86/2026 came to be registered. During the course of investigation, the present petitioner has been arrayed as Accused No.5.

11. The learned counsel appearing for the petitioner

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contended that the petitioner has been falsely implicated and that his name does not find place either in the complaint or in the First Information Report. It is submitted that there is absolutely no overt act attributed to him in the complaint. The petitioner is a permanent resident of the address mentioned in the cause title, has deep roots in society, is the sole breadwinner of his family and has four minor daughters depending upon him. He undertakes to cooperate with the Investigating Officer and abide by any conditions that may be imposed by this Court. Hence, he seeks the relief of anticipatory bail.

12. Per contra, the learned Public Prosecutor opposed the petition contending that the investigation is still in progress. It is submitted that the offence relates to theft of a

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deity idol from a temple, which is a serious offence affecting public faith and religious sentiments. If the petitioner is granted anticipatory bail, there is every likelihood of his influencing the prosecution witnesses, tampering with the evidence and obstructing the investigation. Therefore, he prayed for rejection of the petition.

13. I have carefully considered the rival submissions and perused the material placed before the Court.

14. The complaint clearly discloses that the theft was initially committed by **unknown persons**. Admittedly, the name of the present petitioner does not figure either in the complaint or in the First Information Report. His implication appears to have been made subsequently during the course of investigation. At this stage, the prosecution has not placed

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any material before this Court to demonstrate that the petitioner was specifically identified at the scene of occurrence or that there is any direct material connecting him with the alleged theft.

15. It is well settled that while considering an application for anticipatory bail, this Court is not expected to conduct a meticulous examination of the evidence or record findings regarding the guilt of the accused. The object of anticipatory bail is to safeguard the personal liberty of an individual while ensuring that the investigation proceeds unhindered. The discretion under Section 482 of the BNSS has to be exercised by balancing the right to personal liberty guaranteed under Article 21 of the Constitution of India and the interest of a fair investigation.

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16. The prosecution has expressed an apprehension that the petitioner may tamper with the prosecution witnesses or hamper the investigation. However, such apprehension, in the absence of any specific material, cannot by itself constitute a ground to deny anticipatory bail. The said apprehension can adequately be addressed by imposing appropriate and stringent conditions.

17. The petitioner is stated to be a permanent resident of the locality. There is nothing on record to indicate that he is likely to abscond or evade the process of law. No material is produced to show that he is involved in similar offences or that he has misused the liberty granted by any Court on earlier occasions. The offences alleged, though undoubtedly serious, are not punishable with death or imprisonment for

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life. Custodial interrogation of the petitioner has not been shown to be indispensable by placing any convincing material before this Court.

18. Considering the nature of the allegations, the fact that the petitioner's name does not appear in the complaint or FIR, the stage of investigation, the absence of any material demonstrating the necessity for custodial interrogation, and the settled principles governing grant of anticipatory bail, this Court is of the considered opinion that the petitioner has made out a fit case for grant of anticipatory bail by imposing suitable safeguards to protect the interest of the prosecution.

19. Accordingly, the Point for Consideration is answered **in the Affirmative** and proceed to pass the following;

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**ORDER**

The petition filed by the petitioner/Accused No.5 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed.

The petitioner/Accused No.5 shall, in the event of his arrest in Crime No.86/2026 of Balaganur Police Station, be released on anticipatory bail subject to the following conditions:

1. The petitioner shall execute a personal bond for a sum of ₹1,00,000/- (Rupees One Lakh only) with two sureties for the like sum to the satisfaction of the Arresting Officer/ Investigating Officer.

2. The petitioner shall surrender before the

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Investigating Officer within fifteen (15) days from the date of this order and shall cooperate with the investigation.

3. The petitioner shall appear before the Investigating Officer whenever called for interrogation until the filing of the final report.

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

5. The petitioner shall not leave the territorial jurisdiction of the Trial Court without prior permission until the filing of the charge sheet.

6. The petitioner shall furnish proof of his residential

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address and mobile number to the Investigating Officer and shall intimate any change thereof forthwith.

7. The petitioner shall not involve himself in any offence of a similar nature during the pendency of the case.

8. Violation of any of the above conditions shall entitle the prosecution to seek cancellation of bail 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 13th day of July, 2026.)

(SOMASHEKARA A.)

III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
SITTING AT SINDHANUR.

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