

KASM600003492026



**IN THE COURT OF V ADDL. DISTRICT &
SESSIONS JUDGE, SHIVAMOGGA,
(SITTING AT SAGAR)**

PRESENT **Sri. Ravindra R. B.A.L., LL.M.**
V Addl. District & Sessions Judge,
Shivamogga. (Sitting at Sagar).

Dated this the 27th day of June, 2026

Crl.Misc.No.10153/2026

- PETITIONERS:**
1. Devaraja,
S/o Manjappa,
Aged about 42 years,
 2. Ravichandra,
S/o Manjappa,
Aged about 39 years,
 3. Parvathamma,
W/o Manjappa,
Aged about 70 years,
 4. Hucchappa,
S/o Basavanyappa,
Aged about 50 years,

5. Chandrappa,
S/o Basavanyappa,
Aged about 55 years,
6. Manjunatha,
S/o Chandrappa,
Aged about 30 years,
7. Nagarathna,
W/o Huchappa
Aged about 44 years,

All are resident of
Mullukere,
Baruru post,
Sagara Taluk,
Shivamogga District.

[represented by–
Sri.Shekharappa - Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Anandapura Police Station,
Anandapura,
Sagara Taluk,
Shivamogga District.
[represented by:
Public Prosecutor]

ORDER

This petition is filed by the petitioners under Section 482 of B.N.S.S., 2023 seeking a direction to respondent-

Police to release them on bail in the event of their arrest in Crime No.103/2026 registered by the respondent-police for the offences punishable under Sections 126(2), 351(2), 352, 118(1), 115(2), 131 and 74 r/w/Sec.190 of BNS,2023.

2. Brief facts that led to this petition are under:

One Smt.Rekha W/o Annappa lodged first information before the respondent police that, her husband Annappa has got two brothers i.e. accused no.1 and 2. After the death of her father-in-law, her husband and his brothers partitioned the family properties. In the partition, the accused no.1 and 2 got garden land and her husband got vacant land as their shares. Hence, her husband decided to develop his land into garden land. The accused no.1 and 2 used to obstruct her husband from developing his land. On 16.06.2026, at about 1.30 p.m., when she, her husband, her children and coolie worker by name Raghavendra were working in their land, the accused persons came there and picked up a fight with them by saying that the said land belongs to them. Further, the accused persons abused them by using filthy words. Furthermore, the accused no.1, 2, 4 and 5 dragged her and

assaulted her on her body and punched on her chest and kicked her. The accused no.4 -Huchappa assaulted her with the sickle on her hands and caused injuries. When her husband tried to rescue her, the accused persons pushed him. At that time, the coolie worker-Raghavendra and villagers came to the spot and pacified the quarrel. Hence, she lodged first information to take action against the accused persons.

3. Based on the said information, the respondent-Police registered FIR against the accused persons. Now, the petitioners who are apprehending their arrest at the hands of respondent-Police, have filed this petition seeking pre-arrest bail on the following amongst other grounds:

The petitioners are innocent of the offences alleged against them and they have not at all committed any offences. They have been falsely implicated in this case. They hail from a respectable family and having good reputation in the society. They have no bad antecedents. They have undertaken to abide any terms and conditions that may be imposed by this court while granting bail. On these among other grounds, the petitioners have sought this Court to grant them pre-arrest bail.

4. The bail petition is opposed by learned Public Prosecutor by filing objections. It is contended that the petitioners have committed serious offences. There is a prima-facie case against them. Investigation is still in progress. At this stage, if the petitioners are released on bail, there are chances of them giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process. Hence, prayed to reject the petition.

5. Heard both the sides.

6. The following points arise for my determination:

1. Whether the petitioners have made out sufficient grounds for grant of anticipatory bail?

2. What order?

7. My findings to above points are:

Point No. 1: In the Affirmative.

Point No. 2: As per final order
for the following;

REASONS

8. **POINT NO.1:** The petitioners along with petition have produced a certified copy of FIR, first information and Aadhaar cards.

9. The petitioners are accused of commission of offences punishable U/Sec.126(2), 351(2), 352, 118(1), 115(2), 131 and 74 r/w/Sec.190 of BNS,2023. As the offences under Sections 74 and 118(1) are non-bailable, apprehension of accused-petitioners of their arrest is well founded. As such, they can maintain this petition.

10. The learned counsel for petitioners urged that the petitioners have not committed any offences as alleged by the first informant. They have been falsely implicated in the case. On the other hand, the learned P.P. submitted that there is a prima-facie case against the petitioners. If they are released on bail, there are chances of petitioners giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process.

11. The allegations made against the petitioners are that, they trespassed into the land of the first informant and

picked up a fight with the first informant and her family members and assaulted them. It is the contention of the petitioners that, they are innocent of the offences alleged against them and they have not at all committed any offences. They have been falsely implicated in this case.

12. Perusal of the records reveal that the petitioners and the first informant are the family members. It appears that, there is some property dispute between the petitioner's family and the first informant's family. It is the specific contention of the petitioners that they have not committed any offences as alleged in the first information. Due to the property dispute, the first informant has lodged false information against the petitioners. However, the allegations made against the petitioners have to be proved at full-fledged trial. The offences alleged against the petitioners are not punishable either with death or imprisonment for life. They undertake to abide by any terms and conditions. There are no allegations of accused-petitioners having criminal antecedents. In the facts and circumstances made out, considering the gravity of the offences, I am of the opinion that the accused-petitioners

are entitled for an order of pre-arrest bail. Apprehension of prosecution can be met by imposing stringent conditions and by obtaining sufficient surety to the satisfaction of the court. Hence, I hold that the petitioners are entitled for an order of anticipatory bail. Accordingly, point no.1 under consideration is answered in **Affirmative**.

13. **POINT NO.2:** In view of my discussions and finding to above point, I proceed to pass the following:

ORDER

Petition filed by petitioners under Section 482 of B.N.S.S. is hereby allowed.

Consequently, in the event of arrest of petitioners in Cr.No.103/2026 of Anandpuara Police Station, for the offences punishable under sections 126(2), 351(2), 352, 118(1), 115(2), 131 and 74 r/w/Sec.190 of BNS,2023 they are ordered to be released on bail, on their executing personal bonds for a sum of Rs.1,00,000/- each and shall furnish three sureties for like-sum to the

satisfaction of the investigation officer on the following conditions:

1. The petitioners shall appear before the investigation officer on or before one month from the date of this order and in that event Investigation Officer to take bonds and to release them.

2. They shall appear before the investigation officer as and when called upon and co-operate with the investigation.

3. They shall not give threat to the prosecution witnesses in any manner.

4. They shall not indulge in similar offences in any manner.

5. They shall appear before the Court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.

(Dictated to the Stenographer transcribed by her and transcript, corrected by me and then pronounced in open Court on this the 27th day of June, 2026).

(Ravindra R.)

V Addl. District & Sessions Judge,
Shivamogga, (Sitting at Sagar).