

KAVN010015952026



Presented on : 07-03-2026

Registered on : 07-03-2026

Decided on : 23-03-2026

Duration : 16Days

**IN THE COURT OF THE PRINCIPAL DISTRICT &  
SESSIONS JUDGE, VIJAYANAGARA DISTRICT  
HOSAPETE**

**Present**

**Sri.K.M.Rajashekar**, B.Sc., LL.M.  
Principal District & Sessions Judge,  
Vijayanagara District, Hosapete.

**Crl.Misc.Case No.160 of 2026**

**Dated this the 23<sup>rd</sup> Day of March 2026**

**Petitioners:/A1, 3 to 5**

A1. Rangappa alias Ramappa Gejali s/o Balappa  
Age: 37 years, Occ: Agriculturist.  
R/o. Battanahalli Village, Kottur Taluk, Vijayanagara Dist.

2: A3. Santosha S/o Gopaa Krishna  
Age: 36  
Battanahalli Village

3: A4. Rama alias Kavadi Rangappa s/o Kavadi Gangamma  
Age: 32  
Battanahalli Village

4: A5. Abhi alias Abhishek S/o Rmachandrappa  
Age: 22

Koracharahatti Village  
Kudligi Taluk  
Vijayanagara Dist

**(Rep. by Sri.S. Chandrappa,- Advocate)**

**-V/s-**

**Respondent:** The State by PSI, Kottur P.S.  
Vijayanagara Dist.

**(Rep. by Public Prosecutor).**

**ORDERS ON BAIL APPLICATION**

This Criminal petition filed by the petitioners/accused No.1, 3 to 5 U/sec. 482 of BNSS Act (Old 438 of Cr.PC) seeking anticipatory bail in CR No.23/2026 for offences punishable u/sec. **318(4)** of BNS, 2023.

**2.** The allegations in the FIR indicate that, accused No.1 called the complainant's mobile number repeatedly and said that he found treasure while digging a foundation, offering gold coins at 30,000/- rupees per tola. He also gave one small gold coin to the complainant to check, and it was found to be a genuine

gold coin, which made the complainant believe him. On 4.2.2016 around 11.00 a.m when complainant was near bus stand, all accused came and took him at one place and received 2 Lakhs from the complainant and asked him to wait there and left the place by saying that they would bring gold coins and cheated the complainant.

**3.** The petitioner-accused specifically contended that they are innocent of the charges leveled against them, they have not committed any alleged offences. The alleged offences are not punishable with death or imprisonment for life. The petitioners are not an influential persons who could tamper with the prosecution witnesses. There is no chance of their absconding, if they are let on bail as they are the permanent residents of given address. The petitioners are deeply rooted in the society and a law-abiding citizen, hails from respectable family having movable and immovable properties. Further, petitioners are the only earning member of their family. The petitioners

apprehend arrest by the respondent police. They are ready and willing to abide by any conditions. Therefore, the petitioners pray for grant of anticipatory bail.

**4.** The learned Public Prosecutor has opposed the bail application by filing objections contending that the petition is not maintainable either in law or on facts. The petitioners have not made out any grounds to grant bail. There is a prima-facie case against the accused regarding the alleged offences. The investigation of the case is not yet completed. If the petitioners are granted anticipatory bail, there is likelihood of absconding and tampering the prosecution witnesses. The accused may not be available for trial, that may hamper the investigation and trial of the case. Therefore, prays for rejection of the bail application.

**5.** Heard, both side perused the records.

**6.** The following points arose for my consideration.

1) Whether, petitioners/accused are entitle for bail as prayed.

2) What order?

**7.** My findings on the above points are as under:

Point No.1 : In Negative.

Point No.2 : As per final order for the

following:

### **REASONS**

#### **Point No.1:**

**8.** Looking at the document available on record it indicates that, on 4.2.2016 around 11.00 a.m when complainant was near bus stand, all accused came and took him at one place and received 2 Lakhs from the complainant and asked him to wait there and left the place by saying that they would bring gold coins and cheated the complainant.

**9.** The learned Counsel for the petitioners vehemently argued that, the alleged offences are not exclusively punishable with death or imprisonment for

life. The applicants are innocent of the charges leveled against them and they are respectable citizen of the country. They are permanent residents of given address having deep roots in the society and also posses landed properties. They are ready to abide by all the conditions that may be imposed by this Court, as they have to take care of their family members. If they are not granted anticipatory bail, they will be put to hardship in case of their arrest by the respondent-Police.

**10.** On the other hand, the learned Public Prosecutor vehemently argued that there are sufficient materials to accept prima-facie case against accused persons. The investigation is just begun, not yet completed and charge sheet is not filed. The petitioners are absconding and not co oparating for investigation. The alleged offences are grave. If this accused granted bail, there is likelihood of absconding, tampering the prosecution witnesses and destroying the documentary evidence. There is every possibility of the accused escape from the clutches of law resulting hamper in the

investigation as well as the trial etc.

**11.** Upon going through the materials available on record it indicates that, accused persons made gold dealing with the complainant. Petitioners are accused No.1, 3 to 5. In this case, investigation is not yet completed. The alleged offenses are grave. The accused have made away with 2 lakh of complainants money which is yet to be recovered. If this accused granted bail, there is likelihood of absconding, tampering the prosecution witnesses and destroying the documentary evidence. As rightly argued by the learned Public Prosecutor that there is every possibility of the accused escape from the clutches of law resulting hamper in the investigation as well as the trial etc.

12. In **CRIMINAL APPEAL NO. 601 OF 2017 (Arising out of S.L.P. (Crl.) No. 8781 of 2016) (in the case of VIRUPAKSHAPPA GOUDA AND ANOTHER-Appellants VERSUS THE STATE OF KARNATAKA-** Respondent), wherein their Lordships of Hon'ble Supreme Court

specifically observed that:

*The Court has to keep in mind what has been stated in Chaman Lal vs. State of U.P. and another<sup>3</sup>. The requisite factors are: the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and prima-facie satisfaction of the Court in support of the charge.*

*Further, in the case of Prasanta Kumar Sarkar vs. Ashis Chatterjee and another<sup>4</sup>, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:-*

*“...among other circumstances, the factors which are to be borne in mind while considering an application for bail are:*

*(i) whether there is any prima facie or reasonable ground to be believed that the accused had committed the offence.*

*(ii) nature and gravity of the accusation;*

*(iii) severity of the punishment in the event of conviction;*

*v) danger of the accused absconding or fleeing, if released on bail;*

*(v) character, behaviour, means, position and standing of the accused;*

*(vi) likelihood of the offence being repeated;*

*(vii) reasonable apprehension of the witnesses being influenced; and*

*(viii) danger, of course, of justice being thwarted by grant of bail.”*

*Further, in the case of Central Bureau of Investigation vs. V. Vijay Sai Reddy<sup>5</sup>, the Court had reiterated the principle by observing thus:-*

*“While granting bail, the Court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words reasonable grounds for believing instead of the evidence which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima-facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”*

18. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from Neeru Yadav vs. State of Uttar Pradesh and another<sup>6</sup>, wherein the Court setting aside an order granting bail observed:-

*“The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the 2nd respondent. We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as*

*the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilization rests. It cannot be allowed to be paralyzed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law.”*

*19. In this context, what has been stated by a three-Judge bench of Hon’ble supreme court in Dinesh M.N. (S.P.) v. State of Gujarat<sup>7</sup> is quite instructive. In the said case, the Court has held that “ where the Court admits the accused to bail by taking into consideration irrelevant materials and keeping out of consideration the relevant materials the order becomes vulnerable and such vulnerability warrants annulment of the order. In the instant case, as is demonstrable, the learned trial Judge has not been guided by the established parameters for grant of bail. He has not kept himself alive to the fact that twice the bail applications had been rejected and the matter had traveled to this Court. Once this Court has declined to enlarge the appellants on bail, endeavors to project same factual score should not have been allowed. It is absolute impropriety and that impropriety call for axing of the order.”*

13. The said Judgment squarely applicable to the case on hand. If these accused are released at this stage, there are every possibility of tampering prosecution witnesses and definitely there are every possibility of hampering the investigation and trial. The apprehension of the prosecution that accused may abscond, may not available for trial also holds

water. Considering the gravity of the offences and considering the strong case against this accused , I am of the opinion that, absolutely no case is made out by the accused persons to grant them anticipatory bail, consequently bail petition is liable to be dismissed. Accordingly, Point No.1 is answered in the Negative.

14. **Point No.2**: In the light of above discussions, I proceed to pass the following:

**ORDER**

The Bail Application filed U/S.482 of BNSS by the accused No.1, 3 to 5 seeking anticipatory bail is rejected.

(Dictated to the Judgment Writer directly on computer. Script thereof is corrected and then pronounced by me in the open court on this the 23<sup>rd</sup> day of March 2026).

**(K.M.RAJASHEKAR)**

Principal District & Sessions Judge,  
Vijayanagara District, Hosapete.