

KAVP010030702026



Presented on : 25-05-2026

Registered on : 26-05-2026

Decided on : 03-06-2026

**IN THE COURT OF THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, VIJAYAPURA.**

Dated: This the 03rd day of June-2026.

Present:

SRI GANGAPPA IRAPPA PATIL

B.A.,LL.B. (Spl.)

IV Addl. District & Sessions Judge,
Vijayapura.

Crl.Misc.No.565/2026

Petitioner/Accused:

- 1] Hakimasab S/o Nabisab Chandkavathe,
Age: 34 years, Occ: Coolie,
R/o. Ahiraasanga, Tq: Indi,
Dist: Vijayapura.

[R/by Sri S.S.Choori, Advocate]

V/s.

Respondents/Complainant:

1. The State
R/By Public prosecutor and
PSI, Indi Rural P.S, Dist:Vijayapura.

[R/by the Public Prosecutor]

ORDER

The petitioner/accused has filed the bail application U/s.482 of BNSS for grant of anticipatory bail in the event of his arrest in Indi Rural Police Station Crime No.30/2026 for the offences punishable U/s.329(3), 75, 78 of Bharatiya Nyaya Sanhita (BNS) 2023.

2. The factual matrix of the case of the prosecution is that, complainant viz., Nagamma w/o Mahadev Kudari is resident of Ahiraasang village. The land of accused and complainant are adjacent to each other and they known to each other.

In this background, on 14.02.2026 at 9.15 a.m. in the petitioner/accused trespassed into the land of complainant bearing Sy.No.209/2 and tried to outrage her modesty and when complainant started to screaming the accused ran away from her land. The complainant informed the said fact to her husband and brother and filed complaint against accused. Hence on the basis of complaint lodged by complainant, matter was registered in Indi Rural Police Station Crime No.30/2026 for the

offences punishable U/s.329(3), 75, 78 of Bharatiya Nyaya Sanhita (BNS) 2023 and I.O. started investigation.

3. Now the petitioner/accused apprehending his arrest has filed this application for releasing him on anticipatory bail on several grounds.

4. In response to the notice, the learned Public Prosecutor appeared for the respondent and filed objection and prayed for rejection of bail petition.

5. Heard argument on both side.

6. Now the points that arisen for consideration are as under:

- 1) Whether the petitioner/accused is entitled for anticipatory bail as sought in the petition?
- 2) What order?

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

- 1) In the **Affirmative**.
- 2) As per the final order, for the following:

REASONS

8. **Point No.1:** In fact on the basis of complaint lodged by the complainant, a case was registered in Indi Rural Police Station Crime No.30/2026 for the offences punishable U/s.329(3), 75, 78 of Bharatiya Nyaya Sanhita (BNS) 2023.

9. During arguments, the learned Counsel appearing for the petitioner contended that the petitioner/accused is innocent and he has not at all committed any offences. The complainant has filed a false complaint by falsely involving the petitioner. The learned counsel for the petitioner submitted that there is no nexus between the petitioner and the alleged offences. The petitioner is ready and willing to abide by any conditions to be imposed by the court. Hence, prayed to allow the petition.

10. Per contra, the learned Public Prosecutor vehemently submitted that, the alleged offences are non bailable in nature. The investigation is going on. If the petitioner is released on bail, there is every likelihood of hampering and tampering the prosecution witnesses and

cause obstruction in the investigation. If released on bail, they may not co-operate with the investigation. Hence, the learned public prosecutor submitted to reject the bail application.

11. It is trite principles of law that while considering bail application, the following points to be taken into consideration:

- a) The nature and seriousness of the offence.
- b) Character of the accused.
- c) Circumstances which are peculiar to accused.
- d) Reasonable probabilities or presence of the accused not being secured at trial
- e) Reasonable apprehension of witnesses being tampered.
- f) Larger interest of Public or the State and similar other considerations, which arise when a Court is asked to admit the accused to bail in a non-bailable offence.

12. Having heard the learned counsel for the petitioner and learned public prosecutor, and looking to the entire material on record, it appears that the offences alleged against the petitioner are non bailable in nature. However, they are not exclusively punishable with death sentence or imprisonment for life. The petitioner is ready

to abide by any conditions to be imposed by the court. The prosecution has not brought out any criminal antecedents against the petitioner/accused. It is not the case of the prosecution that petitioner is required for custodial interrogation. Whether the petitioner has committed offences or not has to be established only during trial.

13. Since the denial of bail amounts to deprivation of personal liberty, in view of the guidelines and principles laid down by Hon'ble Apex Court in landmark Judgment in **Gurubhaksh Singh's** case this Court is of the opinion that anticipatory bail can be granted in favour of petitioner by imposing conditions to safeguard apprehension raised by the learned public prosecutor. In view of the above said reasons this court answers point No.1 in the **Affirmative**.

14. **Point No.2:** In view of the aforesaid reasons on Point No.1, I proceed to pass the following:

ORDER

The bail application U/sec.482 of B.N.S.S.
filed by the petitioner/accused is hereby

allowed and in the event of his arrest in Indi Rural Police Station Crime No.30/2026 for the offences punishable U/s.329(3), 75, 78 of Bharatiya Nyaya Sanhita (BNS) 2023 he shall be released on execution of personal bond for Rs.50,000/- with one surety for the like sum on the following conditions :-

a) Petitioner/accused shall not hamper, tamper and threat the prosecution witnesses.

b) He shall surrender before the concerned Police Station, within 30 days from the date of order.

c) He shall appear before the Investigation Officer as and when required for investigation.

d) He shall co-operate with Investigating Officer in investigation.

e) He shall not indulge in similar type of offences.

f) The petitioner/Accused and his surety shall furnish his current residential address proof along with recent passport size

Photos and Mobile numbers to the Investigating Officer.

In case of violation of any one of the above mentioned conditions, the prosecution is at liberty to move application for cancellation of bail.

(Dictated to the Stenographer Grade-III, Script transcribed and typed by him on the Computer, script corrected and then order pronounced by me in the Open Court on this the 03rd day of June, 2026).

(GANGAPPA IRAPPA PATIL)
IV Additional Sessions Judge,
Vijayapura.