

KAVP010028402026



Presented on : 02.05.2026  
Registered on : 04.05.2026  
Decided on : 02.06.2026  
Duration : 29 Days

**IN THE COURT OF III ADDL.DISTRICT AND  
SESSIONS JUDGE, VIJAYAPURA**

**Present: Sri. Khadarsab Husensab Benakatti** B.A.L.L.M  
III Addl.District and Sessions Judge  
Vijayapura

Dated this 02<sup>nd</sup> day of June 2026

*Crl.Misc.No.470/2026*

**Petitioners:**

1. Basavantaraya S/o Subbaraya Desayi  
@ Kalakeri, Age: 81 years, Occ: Agri,  
R/o: Angadageri, Tq: Nindagundi,  
Dist: Vijayapura.
2. Channappa S/o Subbaraya Desai  
@ Desayi, Age: 58 years, Occ: Agri,  
R/o: Angadageri, Tq: Nindagundi,  
Dist: Vijayapura.
3. Subhas S/o Basavantaraya Desayi  
@ Angadageri, Age: 36 years, Occ: Agri,  
R/o: Angadageri, Tq: Nindagundi,  
Dist: Vijayapura.
4. Hanamantagouda @ Hanamantraya  
S/o Ramanagouda Chiraldinni, Age: 81 years,  
Occ: Agri, R/o: Kavalagi, Dist: Vijayapura.

5. Raja @ Rajakumar S/o Shankargouda  
Chiraldinni, Age: 40 years, Occ: Agri,  
R/o: Kavalagi, Dist: Vijayapura.

[By Sri.M.S.Khyadi, Advocate]

**V/s.**

**Respondent:**

The State of Karnataka.  
Through PSI (L & O) Kudagi P.S.,

[By Learned Public Prosecutor]

**ORDER**

Petitioner filed bail petition U/Sec.482 of BNSS-2023 in connection with Kudagi P.S., Crime No.46/2026, for the offences punishable U/Sec.115(2), 118(1), 109 352 and 351(2) R/w.Sec.190 of BNS-2023.

2. This bail application is moved by the petitioners through the counsel urging the divergent grounds herein.

3. In response to the notice the learned Public Prosecutor appearing for the state resisted the bail application by filing the written objections contending inter-alia therein.

4. In view of the factual allegations and rival contentions urged by the parties, following point arises for my consideration and determination:-

*Whether the petitioners have made out grounds for grant of anticipatory bail?*

5. I have heard the arguments and given thoughtful consideration to the submissions and carefully perused the material on record.

6. My answer to the aforesaid point is in ***Affirmative*** for the following:

### **REASONS**

7. In support of bail application, the learned counsel appearing for the petitioners submit that the petitioners are innocent. They are respectable law abiding citizen owning both movable and immovable properties within the jurisdiction of this court. They have not committed any of the alleged offences. The petitioners are ready and willing to abide by any conditions and to furnish the surety to the satisfaction of the court.

8. I have gone through the basic factual matrix of this prosecution case. It is alleged that, there is a land dispute between the complainant and accused persons. On 25.04.2026 at about 11.30 a.m, petitioners were putting the onion in the hut, at that time complainant enquired about putting the onion, accused persons formed an unlawful assembly with common object to commit murder of complainant; picked up quarrel with him; abused in

filthy language; assaulted and kicked; assaulted with stone and stick and have given life threat. Accordingly, he has lodged the complaint against the accused persons.

9. On perusal of material available on record it reveals that, no injury to the vital part of the complainant and no threat to the injured. Besides, most of the investigation is completed, hence custodial interrogation is not required. There is a delay of one day in filing the complaint. The said delay has not been properly explained. There is case and counter case registered between the parties.

10. Further, it is alleged that accused, with an intention to commit murder of the complainant have assaulted with stick and stone. The said facts are required to be established during the course of trial. At the touchstone of evidence, exhibiting participation and involvement of the petitioners in alleged crime.

11. It is to be noted that whether the offences alleged are committed by the accused or they are guilty, is matter of evidence. Except offence U/Sec.118(1) and 109 of BNS-2023, other offences are bailable in nature. Though

said offences are non-bailable in nature, they are not exclusively punishable with death or imprisonment for life.

12. It is settled law that the accused is to be presumed as innocent until guilt is proved by the prosecution beyond all reasonable doubts in full-fledged trial by discharging its burden of proof until then, it is not just and proper to put the accused in jail as a measurement of punishment in the pre-trial stage.

13. Admittedly, injured has suffered only simple injuries. At this stage, it cannot be concluded that the petitioners have been falsely implicated in the matter. It is not the contention of the prosecution that the petitioners are required for custodial interrogation. Looking to the nature of the allegations made against the petitioners, I am of the opinion that, they may be granted anticipatory bail subject to conditions, which will take care of the apprehensions expressed by the learned Public Prosecutor that the petitioners may abscond or may tamper or threaten the prosecution witnesses.

14. Having regard to the given facts and circumstances of this case, I am of the considered opinion and inclined to hold that the applicants are deserved for

the anticipatory bail. Accordingly, I answer above point in ***Affirmative*** and proceed to pass the following:

### **ORDER**

The petition filed by the petitioners U/Sec.482 of BNSS-2023 is hereby allowed.

It is hereby directed that the petitioners shall be released on bail in the event of their arrest in Kudagi P.S. Crime No.46/2026 for the offences punishable U/Sec.115(2), 118(1),109 352 and 351(2) R/w.Sec.190 of BNS-2023, on their execution of personal bond for a sum of Rs.1,00,000/- each along-with one surety for the like sum to the satisfaction of appropriate Court, with following terms and conditions.

1. Petitioners shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for three months or as and when called;
2. Petitioners shall co-operate with the conduct of trial and attend the Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if they do so, it will entitle the prosecution to apply for cancellation of this order;

3. Petitioners shall not influence with any of the witnesses or tamper with the evidence in any manner;
4. Petitioners shall keep the Investigating Officer informed of their current address and mobile/contact number and/or change of residence from time to time;
5. Any infraction of the above conditions shall entail cancellation of this order.

[Dictated to the Stenographer Grade-III, directly on computer corrected and then pronounced by me in the Open Court on this the 02<sup>nd</sup> day of June 2026]

**[Khadarsab Husensab Benakatti]**  
III Addl.District & Sessions Judge  
Vijayapura.

<><><>