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**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS  
JUDGE, YADGIRI**

Dated this the **10<sup>th</sup> day of November, 2025**

**PRESENT**

**Sri.Marulasiddaradhya H.J.**

B.A, LL.B.,LL.M

District and Sessions Judge,  
Yadgir.

**Spl.case. No. 50/2018**

**Complainant:**

The State Through Lokayukta  
police, Yadgir.

(By the Public Prosecutor, Yadgir)

**Accused:**

K. Bheemaraya

(By Sri.P.B.P., Advocate)

**Applicant/accused:**

K. Bheemaraya  
S/o Saibanna Kawaldar,  
Age: 65 years, Occ: Retired AEE,  
R/o: Plot No.18, 19  
Swamy Vivekandand Nagar,  
Qza Layout, Kalaburagi, 585102.

(By A.A.Uplaonkar., Advocate)

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**ORDER ON APPLICATION FILED UNDER SEC.457  
OF Cr.P.C.**

This is an application filed by the accused/owner by praying to pass an order for releasing seized articles under P.F.No.6/2014 & 7/2014 to his interim custody.

**2)** Crime No.8/2014 has been registered against accused working as Assistant Executive Engineer Panchayath Raj Engineering Sub-Division, Shahapur for holding assets disproportionate to his in known source of income. Accordingly, on 26-08-2014 his houses at Shahapur and Kalaburagi were raided by the Lokayukta police and seized gold and silver articles, sale deeds, LIC bonds, Cash and the same are produced before the court under P.F. No. 6/2014 and 7/2014. All the original records are submitted to the court along with charge sheet gold and silver articles are kept in the district treasury. The cash seized from his home is kept in SBI bank account of Superintendent of police of Karnataka Lokayukta, Yadgiri.

**3)** The accused being retired from his office having no source of income since 5 years filed this application for

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release of all the seized gold and silver articles, sale deeds, shares certificate, LIC bonds and cash.

**4)** The accused stated in the grounds of the petition that he has been falsely implicated and seized articles are not required either for the purpose of investigation or identification. The seized articles are purchased by the accused from his known source of income and he is in dire need of money for his day to day need & medical expenses. He is ready to abide any conditions imposed by the court.

**5)** The learned special public prosecutor filed objections to the application by contending that in case of releasing the seized articles the accused may mislead the court and change the shape of the articles and sale the same to stranger. He may also misappropriate the articles in custody, in case of releasing them to the accused. The said articles are required for trial and identification before the court. Hence, he prays to reject the application.

**6)** Heard both sides, perused the grounds of the application, objection and documents on records. The following points arises for my consideration;



1) Whether the application filed U/Sec.457 of Cr.P.C deserves to be allowed?

2) What order?

7) Heard arguments of the learned counsel for the applicant and the learned Public Prosecutor.

8) My findings on the above points are as follows:

**Point No.1: In the Affirmative.**

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

**REASONS**

9) **POINT No.1:** The houses of the accused are raided by lokayukta police on 26-08-2014, about more than 10 years ago and the seized articles along with cash. The same remain in the position of this court and lokayukta police. Till date since 2014 the said articles remain in the custody and the initial application filed in 2016 also remain pending. However, due to technical issue the learned defence counsel got dismissed the said application as withdrawn.

10) It is not in dispute that the articles seized under

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P.F.No. 6/2014 & 7/2014 on 26-08-2014 were from the house of this accused. Even at the time of raid also the I.O drawn inventory of seized articles. Photographs were also taken along with drawing panchanama in presence of panchas. The accused are not disputing that any of these articles are not seized by the police. Even the prosecution has not disputing seizure of those articles. Consequently, the possession & ownership of seized articles claimed in the evidence are undisputed.

**11)** Even the facts of the case clearly reveal absence of necessity to continue custody of these seized articles for any purpose during trial except for identification. Hence, by imposing reasonable conditions to produce the seized articles before the court during trial the seized articles may be released to the interim custody of the accused.

**12)** The objections of special learned public prosecutor about changing the design, colour, or alienation of all the property by the accused in case of releasing the articles and documents to the name of the accused could be

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addressed by imposing reasonable conditions. Hence, I answer point No.1 in the **Affirmative.**

**13) POINT NO.2** In view of my findings on point No.1, I proceed to pass the following;

**ORDER**

The application filed U/Sec.457 of Cr.P.C by the applicant/accused is hereby allowed by releasing the six sale deeds, shares certificates, six LIC bonds, cash of Rs.19,71,470/-, 20 gold articles, 12 silver articles seized under P.F. No.6/2014 & 7/2014 to the interim custody of accused subject to execute the bond containing the following conditions by the accused:

**1)** The accused shall not sale any property or create any mortgage or any charge or encumbrance over the properties involveled under the sale deeds during the pendency of this case without the prior permission of this court.

**2)** The I.O shall drawn inventory in detail related to share certificate, LIC bonds, cash, gold and silver articles released in favour of accused in presence of panchas in the open court and to submit the same along with true copies of all the documents to the court and to produce the appraisal certificate related to all the 20 gold articles and 12 silver articles and to obtain photographs of all the gold and silver articles and to produce them before the court for identification during trial.

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**3)** Further the I.O shall obtain account statement showing the release of cash amount in this case in favour of the accused and produce the same before the court for reference during trial.

**4)** The accused shall not change the design and sale any articles of gold and silver, released to his interim custody.

**5)** The accused shall file an affidavit with account statement showing the realization of amount under share certificate, LIC bonds and also to produce the account statement showing the transfer of cash to his account in this case for further reference during trial.

(Dictated to the Stenographer Grade - III directly on computer, corrected it, taken out print, signed and then pronounced by me in the open Court on **10<sup>th</sup> day of November, 2025**)

**(Marulasiddaradhya H.J)**  
Prl. District and Sessions Judge,  
Yadgiri.