

**IN THE COURT OF THE XII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT:GOKAKI**

PRESENT

**SRI. GANGADHARA.K.N., B.A.,LLM.,
II ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI**

Dated this the 6th June, 2026

Crl.Misc.No.8114/2026

1) Shivabasu S/o. Shivanappa Belagali
Age: 36 years, Occ: Agriculture,
R/o: Shivapur(H), Tq: Mudalagi, Dist: Belagavi.
Now at Shiradan, Tq: Hukkeri, Tq: Gokak.

2) Kempanna S/o. Ashok Mallapure
Age: 27 years, Occ: Agriculture,
R/o: Shiradan, Tq: Hukkeri, Tq: Gokak.

..Petitioner.

(By Shri. M.V. Shabannavar, Advocate)

V/s

The State of Karnataka,
Rep. by Public Prosecutor, Gokak
Through Mudalagi P.S, Belagavi.

..Respondent

ORDER

The accused no. 1 and 2 in Mudalagi P. S. Crime No.
18/2026 registered for the offences punishable under Section
76, 352 r/w Section 3(5) of BNS have filed the present petition

under Section 482 of BNS by seeking pre-arrest bail on the following grounds:

2. The petitioners contention is that the complainant one Smt. Sushilavva, Shivanappa Belagali lodged her complaint on 22.01.2026 alleging that her husband died on 27.11.2021, by leaving the complainant and her son the petitioner no.1 herein and another Sadashiv Shivanappa Belagali who succeeded the properties described in the complaint. She contended that her son and her son's brother-in-law and father-in-law have harvested the sugar cane cultivated in the property stands jointly in the name of complainant and her two sons. She contended that upon questioning for cultivating or harvesting the said sugar cane, it is her sons' father-in-law and brother-in-law allegedly made an attempt to disrupt her saree. By doing so. they have committed an offence of outraging modesty to a woman and also caused threat.

3. Now the petitioner's contention is that they are the Accused no. 1 and 2 who is the son and the son's brother-in-law of the complainant. They contended that they are the innocent of the offence. They have been falsely implicated in this case. Due to registration of case alleging that they were committed non-bailable offences, police were making an attempt to arrest them. The content is that they are the permanent resident in the address shown in cause title. They are ready to appear before the IO for co-operating and investigation purpose. In fact, there is a civil dispute pending with regard to joint family properties. In that background, the present case has been filed only with intent to put a pressure on the petitioner no. 1. Thus, prays to grant the bail.

4. The learned PP contended that the petitioners were committed Non- bailable offence against a woman. If they are released on bail, they may going to cause threat or intimidation to the prosecution witnesses. They may not co-operate with an investigation agency and they may likely to repeat the very same offence. Thus, prays to dismiss the petition.

5. Heard the arguments of learned counsel for the petitioners and learned PP.

6. Now the following point will arise for my consideration.

Does the petitioners have made out the grounds to grant pre-arrest bail as sought in the petition?

7. My finding to the above noted point is in the affirmative for the following;

REASONS

8. Firstly, on careful perusal of the complaint averment found that, its the complaint by mother against her own son and son's brother in law. The dispute with regard to immovable properties and on harvesting sugar cane from the joint family properties. In this regard, it appears there is already civil suit is pending for consideration. In this case, though it is alleged that the petitioners were committed non-bailable offence, but they are not punishable with death or imprisonment for life. Moreover, this court has its own doubt, whether her son made an attempt to

disrobe her clothes which is amounts to outraging her modesty. However, it is too early to hold all this. But by considering the gravity of the offence and facts and circumstances of the case, as the petitioners have approached this Court by seeking pre-arrest bail on the ground of they are facing threat of arrest in the hands of police for registration of case alleging that they were committed non-bailable offence, as arrest would definitely cause irreparable injury and hardship. In fact, this Court in any way found a ground that the IO warranted the custodial interrogation of the petitioners. In fact, in this case, nothing to be recovered from the custody of the petitioners herein. Thus, they made out the grounds to grant pre-arrest bail as sought in the petition. Thus, answer the point in the affirmative.

9. In the result, I pass the following:

ORDER

The petition filed under Section 482 of BNSS, by the petitioners who are the accused no. 1 and 2 in Mudalagi P. S. Crime No. 18/2026 registered for the offences

punishable under Section 76, 352 r/w.
Section 3 (5) of BNS is hereby allowed.

The IO attached to the Mudalgi P. S. is hereby directed to release the petitioners in the event of their arrest in connection with above said crime by taking self bond of ₹ 50,000/- with likesum surety on following conditions:

- 1) The petitioners shall appear before the IO within 15 days from today.
- 2) The petitioners shall not cause threat or intimidation to the prosecution witnesses.
- 3) They shall not involve in any other criminal activities.
- 4) Defies of bail condition will be viewed very seriously to reconsider the bail privilege granted to the petitioners.

(Dictated directly on Adalat AI, corrected by me, then pronounced in the open Court, on this **6th day of , 2026**)

(GANGADHARA.K.N.)
I/c. XII Addl. Dist & Sessions Judge
Belagavi, sitting at Chikkodi.