



Presented on : 21-07-2026
Registered on : 22-07-2026
Decided on : 29-07-2026
Duration : 7 days

**IN THE COURT OF THE I ADDL. DISTRICT & SESSIONS JUDGE,
KALABURAGI**

Crl. Misc. No.950/2026

PRESENT: Sri A.V.Srinath,
I Additional District & Sessions Judge,
Kalaburagi.

DATED THIS THE 29th DAY OF JULY 2026

PETITIONERS:

1. Shoheb @ Mohammad Shohebuddin,
S/o Saleemuddin,
Age: 22 Years, Occ: Business,
R/o Mehboob Nagar,
Kalaburagi.
2. Mohsin Ahmed S/o Gous Pasha,
Age: 29 years, Occ: Media Reporter,
R/o Yadulla Colony,
Kalaburagi.

(By Sri Syed Mazhar Hussain, Advocate)

Vs.

RESPONDENT:

The State, by Roza Police Station,
Kalaburagi.

(By the Public Prosecutor)



**ORDER ON THE BAIL PETITION UNDER SECTION 483 OF
BNSS, 2023.**

1. The Petitioners have filed this Petition under Section 483 of BNSS seeking grant of bail in Cr.No.112/2026 of Roza Police Station, Kalaburagi registered for the offences under Sections 352, 118(2), 109, 351(2) and 49 R/w Section 3(5) of BNS.
2. In the Bail Petition, the Petitioners have stated as under:
 - (a) The Petitioners are innocent of the offences alleged against them. They have been falsely implicated in the present matter.
 - (b) The Petitioners have no concern with the First Informant and had no prior dispute or enmity with him.
 - (c) Except the general allegation of instigation, no specific overt act is attributed to the present Petitioners.
 - (d) The Petitioners are in judicial custody since 18-07-2026.
 - (e) The Petitioner No.1 is engaged in the taxi business. The Petitioner No.2 is a media reporter.



- (f) The Petitioners are respectable persons in the society. If they are released on bail, they will furnish surety to the satisfaction of the Court and also abide by the conditions that may be imposed by the Court.
3. The Respondent is represented by the learned Public Prosecutor.
 4. The learned Public Prosecutor has resisted the Bail Petition by filing Statement of Objections.
 5. In the Statement of Objections, besides narrating the facts of the case, the learned PP has stated that there is a prima-facie case against the Petitioners and that if they are released on bail, they may abscond and hamper the investigation process and may also threaten the Prosecution witnesses.
 6. I have heard the arguments of the learned Counsel for the Petitioners and the learned Public Prosecutor for the State. I have gone through the materials placed on record.
 7. The following Points arise for my consideration:



1. Whether the Petitioners are entitled for bail?

2. What Order?

8. My findings on the above Points are as under:

Point No.1: In the Affirmative.

Point No.2: As per final Order for the following:

:: R E A S O N S ::

9. The facts of the case are as under:

a) There was a money dispute between the First Informant and the Accused No.1.

b) On 17-07-2026, at about 4-00 p.m., when the First Informant was proceeding from M.G.Road towards Kharge Petrol Pump to meet his friend and when he came near S.S.Tegnoor College, the Accused No.1 looked the First Informant with hatred. The First Informant greeted the Accused No.1 by saying 'salaam'. The Accused No.1 abused the First Informant in filthy language and questioned him as to why he has not greeted him. The Accused No.1 took out a knife. The First Informant, apprehending danger to his life, ran towards the KBN Dargah Area, Chota Roza and entered his



shop. When the First Informant was inside his shop along with his uncle, the Accused Nos. 1 to 3 came there on a motorcycle with the intention of committing the murder of the First Informant.

c) The First Informant's cousin brother by name Mohammed Azhar came out of the shop. The Accused No.1 abused the said Mohammed Azhar in filthy language and assaulted him with a knife on his stomach and back and caused bleeding injuries to him. As a result of the same, the said Mohammed Azhar fell down on the ground. The Accused Nos. 2 and 3 instigated the Accused No.1 to kill the said Mohammed Azhar. Thereafter, the uncles of the First Informant intervened and pacified the quarrel and shifted the injured to the Hospital for treatment.

10. On the basis of the First Information lodged by the First Informant, the Respondent Police have registered a case in Crime No.112/2026 alleging commission of the offences under Sections 352, 118(2), 109, 351(2) and 49 R/w Section 3(5) of BNS.



11. The learned Counsel for the Petitioners argued that the Petitioners are no way concerned with the First Informant and the injured and that they have been falsely implicated in the matter. The learned Counsel further argued that the only allegation against the Petitioners is that they have instigated the Accused No.1 to do away with the life of the injured. By producing a copy of the discharge card relating to the injured, the learned Counsel submitted that the injured has already been discharged from the Hospital.
12. Per contra, the learned Public Prosecutor argued that the Petitioners are involved in other cases pertaining to Roza Police Station and that if they are released on bail, they may repeat similar offences and may also abscond.
13. The offences alleged against the Accused persons are under Section 118(2) (voluntarily causing grievous hurt by dangerous weapons), Section 109 (attempt to commit murder), Section 49 (abetment), Section 352 (intentional insult) and Section 351(2) (criminal Intimidation) of BNS, 2023.



14. The following factors are to be borne in mind by the Courts while considering bail applications:
- i. whether there is any prima-facie or reasonable ground to believe that the accused has committed the offence;
 - ii. nature and gravity of the accusations leveled against the accused;
 - iii. severity of the punishment in the event of conviction of the accused;
 - iv. danger of the accused absconding if he is enlarged on bail;
 - v. character, behaviour, position and standing of the accused;
 - vi. likelihood of the accused repeating the offence;
 - vii. reasonable apprehension of the witnesses being influenced; and
 - viii. danger of justice being thwarted by grant of bail.
15. I have perused the records. The only allegation against the Petitioners is that they have instigated the Accused No.1 to kill the injured.
16. Though the offences alleged against the Petitioners are serious and are non bailable, they are not punishable with



death. The offences are triable by a Court of Sessions. The Petitioners are in Judicial Custody since 18-07-2026. The role of the Petitioners in the commission of the offence alleged against them has to be ascertained at the time of the trial. Having regard to the allegations made against the Petitioners, I am of the opinion that they may be released on bail. For the above reasons, I answer Point No.1 in the Affirmative.

17. **Point No.2:** In view of my finding on Point No.1, the Petitioners are entitled for bail. In the result, I proceed to pass the following:

ORDER

The Petition filed on behalf of the Petitioners under Section 483 of BNSS is allowed.

The Petitioners are ordered to be released on bail in Crime No.112/2026 of Roza Police Station, Kalaburagi registered for the offences under Sections 352, 118(2), 109, 351(2) and 49 R/w Section 3(5) of BNS, on their executing a personal bond for Rs.1,00,000/- each and furnishing a surety each for the like sum to the satisfaction of the Court of jurisdictional Judicial Magistrate of First Class.

The Petitioners shall abide by the following conditions:

1. They shall be regular in attending the Court proceedings.



2. They shall not commit similar or other offences.
3. They shall not directly or indirectly make any Inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
4. They shall produce copies of documents regarding their residential address before the jurisdictional Court of JMFC.
5. They shall appear before the Investigating Officer as and when called and submit all documents and details as may be called upon by the Investigating Officer.
6. They shall mark their attendance before the jurisdictional Police Station on every Sunday between 10-00 a.m. and 5-00 p.m. for a period of two months or till filing of the Charge Sheet whichever is earlier.

(Dictated to the Grade-1 Steno directly on the Computer System, typed by him, corrected, signed and then pronounced by me in the Open Court dated this the 29th day of July 2026)

(A.V.Srinath)
I Addl. Dist. & Sessions Judge
Kalaburagi.