



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL PETITION NO. 100025 OF 2026
(438(CR.PC)/482(BNSS))

BETWEEN:

SABU S/O BALAPPA JAMKHANDI
AGE. 40 YEARS, OCC. AGRICULTURE,
R/O. NAGANUR VILLAGE 587301
TQ. JAMKHANDI, DIST. BAGALKOT.

...PETITIONER

(BY SRI. PRASHANT S. KADADEVAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
R/BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
DHARWAD BENCH THROUGH SAVALAGI POLICE STATION.

...RESPONDENTS

(BY SRI. P.N. HATTI, HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF BNSS, 2023, PRAYING TO ALLOW THE PETITION AND GRANT ANTICIPATORY BAIL TO THE PETITIONER (ACCUSED NO.1), IN CC NO. 20/2025 PRL. SENIOR CIVIL JUDGE AND JMFC, JAMAKHANDI, BAGALKOTE DIST. (SAVALAGI PS CRIME NO. 85/2024) FOR OFFENCE P/U/SEC. 447, 326, 324, 504, 506 R/W 34 OF IPC, IN THE INTEREST OF JUSTICE.

THIS CRIMINAL PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:





ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri. Prashant S. Kadadevar, learned counsel for the petitioner and Sri. P. N. Hatti, learned High Court Government Pleader for respondent-State.

2. The petitioner is shown as absconding accused while filing of the charge sheet in Crime No.85/2024 of Savalgi Police Station for the offences punishable under Sections 447, 326, 324, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Facts in nutshell which are utmost necessary for disposal of the present petition are as under:

A complaint came to be lodged by Sri. Muttappa Balappa Jamakhandi with Savalgi Police contending that on 28.04.2024 in respect of the land bearing Survey No.2/2 measuring 6 acres 35 guntas there was a quarrel with regard to sharing of the water. At that juncture, the petitioner herein and two others trespassed into the land of



the complainant, who is none other than his own brother and complainant resisted for the same.

4. At that juncture, petitioner and his wife Mahadevi and his son namely Shivanand have assaulted the complainant with sticks and accused No.2 assaulted the complainant with stone on his forehead and son of the petitioner assaulted the complainant on his navel region.

5. The police after registering the case thoroughly investigated the matter.

6. Accused Nos.2 and 3 have been enlarged on bail and for non-availability of the petitioner; the police filed the charge sheet showing the present petitioner as absconding accused.

7. Thereafter, attempt made by the petitioner to obtain an order of grant of anticipatory bail is turned down by the learned Trial Judge. Therefore, the petitioner is before this Court.

8. learned counsel for the petitioner reiterating the grounds urged in the petition would contend that the



petitioner is innocent of the offences alleged against him and he is none other than the brother of the complainant and a small incident has been blown out of proportion, resulting in registration of a criminal case came which is *per say* incorrect and sought for grant of anticipatory bail.

9. *Per contra*, learned High Court Government Pleader opposes the bail grounds contending that admittedly the petitioner is absconding accused and he is not available to the Investigation Agency from July – 2024, which shows that he is not a law abiding citizen and hence, sought for rejection of the anticipatory bail.

10. Having heard the arguments of both sides, this Court perused the material on record meticulously.

11. On such perusal of material on record, it is crystal clear that the incident has occurred in the agriculture land on 28.04.2024. The incident occurred on account of sharing of the water in the agriculture land.

12. Present petitioner, along with his wife and son, trespassed into the land of the complainant. When the



complainant resisted, he was assaulted with sticks and stones.

13. From the date of incident, the petitioner is not available to the Investigation Agency. Invariably, the Investigation Agency has filed the charge sheet showing the present petitioner as absconding accused.

14. In order to consider an application for anticipatory bail, a *sine qua non* requirement is that the petitioner can be a law abiding citizen.

15. In the case on hand, since the petitioner is absconding accused, he cannot be termed as law abiding citizen.

16. Accordingly, the bail application is to be rejected. The ground of parity *inasmuch as*, accused Nos.2 and 3 who are the wife and son of the petitioner being granted bail cannot be applicable to case in hand as this is an anticipatory bail request.

17. It is always open for the petitioner to surrender before the Trial Court and seeks necessary order.



18. Reserving such liberty to the petitioner, the following:

ORDER

The petition is ***dismissed.***

Sd/-
(V.SRISHANANDA)
JUDGE

SMM, CT:CMU
LIST NO.: 1 SL NO.: 11