



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 07TH DAY OF MAY, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100907 OF 2026
(438 CR.P.C./482 BNSS)

BETWEEN:

SHRI KISAN S/O. HUVANNA PAWAR,
AGE. 31 YEARS, OCC. COOLIE,
R/O. ARAKERI L T,
TQ. AND DIST. VIJAYAPUR-586104.

...PETITIONER

(BY SRI D.B.KARIGAR, ADVOCATE.)

AND:

THE STATE OF KARNATAKA,
THROUGH P S I, MUDHOL POLICE STATION,
REP. BY S P P, HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580011.

...RESPONDENT

(BY SMT. KEERTILATA R. PATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (UNDER SECTION 438 OF THE CRIMINAL PROCEDURE CODE, 1973), PRAYING TO GRANT ANTICIPATORY BAIL AND THEREBY DIRECT THE RESPONDENT NOT TO ARREST THE PETITIONER/ACCUSED NO.2, IN MUDHOL P.S. CRIME NO.60/2026, DATED 03.03.2026, PENDING BEFORE SENIOR CIVIL JUDGE AND JMFC, MUDHOL, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTION





318(4) READ WITH SECTION 3(5) OF BHARATIYA NYAYA SANHITA, 2023, IN THE ENDS OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the petitioner/accused No.2 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Cr.P.C.) praying to enlarge the petitioner/accused No.2 on anticipatory bail in the event of his arrest in Crime No.60/2026 of Mudhol P.S., pending on the file of Senior Civil Judge and JMFC, Mudhol, registered for the offence punishable under Section 318(4) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023, by allowing this criminal petition.

2. It is the brief case of prosecution as per the FIR and complaint averments that the accused persons have made criminal conspiracy and made to believe the complainant that they would double the amount. Accordingly received an amount of thirty-four lakh, but



without giving the amount in double and in the process of escaping with money, they have chased and apprehended one person and a car and others ran away. Therefore, with these allegations the alleged complaint is lodged before the police and a crime was registered and offences are foisted against the accused persons as stated above.

3. Heard the arguments of Sri D.B.Karigar, learned counsel for petitioner and Smt.Keertilata R. Patil, learned HCGP for the respondent State and perused the material placed before the Court.

4. Learned counsel for petitioner/accused No.2 submitted that the entire compliant averments are false and it is also unbelievable that the amount would be doubled within few days. Therefore, no prudent man can believe that the amount would be doubled in few days and the petitioner has not committed any offence. Hence, prays to grant anticipatory bail to the petitioner.



5. The learned HCGP vehemently opposes for grant of bail and prays to reject petition.

6. Upon considering the averments made in the complaint and FIR the allegation against the accused is that they made criminal conspiracy and they made the complainant to believe that they would double the amount. Accordingly received an amount of thirty-four lakh, but without giving the amount in double and in the process of escaping with money, they have chased and apprehended one person and a car and others ran away. Considering this aspect, question is how the complainant believed that the petitioners would double the amount. When the accused persons had not given double the amount, the complaint is given even though they made the complainant to believe that they would double the amount within few days. Therefore, at this stage, the submission made by learned counsel for the petitioner is also to be considered.



7. Considering the allegations made in the complaint as above stated, the Court is of the opinion that without expressing any opinion on the merits involved in the case, the petitioner is entitled to anticipatory bail subject to the condition that he shall abide by the conditions imposed by this Court and cooperate with the investigation.

8. Hence, I proceed to pass the following:

ORDER

- i) The petition is ***allowed***.
- ii) The petitioner/accused No.2 is enlarged on bail in the event of his arrest in Crime No.60/2026 of Mudhol Police Station, registered for the offence punishable under Section 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending on the file of Additional Civil Judge (Sr.Dn.) and CJM Court, Mudhola, subject to the following conditions.

- a. The petitioner/accused No.2 shall appear before the trial Court and shall seek for bail



within ten days from the date of receipt of a copy of this order.

- b. The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.1,00,000/- along with one surety for the like sum to the satisfaction of the Trial Court.
- c. The petitioner/accused No.2 shall not indulge in the same offence or any other criminal cases, till completion of the trial.
- d. The petitioner/accused No.2 shall not leave the jurisdiction of the Trial Court without prior permission of the Court.
- e. The petitioner/accused No.2 shall not tamper and threaten the prosecution witnesses in any manner.
- f. The petitioner/accused No.2 shall mark his attendance before the concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m till filing final report.
- g. The petitioner/accused No.2 shall attend the Court regularly during the trial without fail. If



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not attend for consecutive two times, it entails cancellation of bail.

iii) Violation of any one of the conditions would entails the prosecution to seek for cancellation of bail.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

MRK-para 1 to 5.
PMP-para 6 to end.
CT: UMD
List No.: 1 SI No.: 24