



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200184 OF 2026
(438(Cr.PC)/482(BNSS))

BETWEEN:

MOHAMMED SOHAIL KHAN @ SHA JEELANI
ADDU S/O. MD. JALEEL KHAN
AGE 25 YEARS, OCC: WELDER
R/O SHAH JEELANI DARGA,
MADINA COLONY, MSK MILL,
KALABURAGI-585 101.

...PETITIONER

(BY SRI SYED MASTAN, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH RAGHAVENDRA NAGAR
POLICE STATION, KALABURAGI.
(REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
KALABURAGI BENCH -585 107)

...RESPONDENT

(BY SRI GOPAL KRISHNA B. YADAV, HCGP)

THIS CRIMINAL PETITION IS FILED U/S. 482 OF BNSS,
U/SEC 438 OF CR.P.C PRAYING TO ISSUE DIRECTIONS TO
THE RAGHAVENDRA NAGAR P.S KALABURAGI TO ENLARGE THE
PETITIONER ON ANTICIPATORY BAIL IN CRIME NO.05/2026
FOR THE OFFENCE PUNISHABLE U/SEC 109(1), 115(2), 352,
140(4), 351(2) R/W SEC 190 OF BNS 2023, PENDING ON THE





FILE OF THE II ADDL. CIVIL JUDGE AND JMFC AT KALABURAGI
IN THE EVENT OF HIS ARREST IN THE INTEREST OF JUSTICE
AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of BNSS, 2023 by the petitioner/accused No.4 for grant of anticipatory bail in Crime No.5/2026 dated 12.01.2026 registered by Raghavendranagar Police Station, for the offences punishable under Sections 109(1), 115(2), 352, 140(4), 351(2) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'].

2. The factual matrix of the case is that, the complainant is the owner of plot bearing Sy.No.175 situated at Idga layout, near Rajiv Gandhi college at Kalaburagi. One Abdul Khadar @ Haroon Khatib i.e., accused No.1 used to claim the said plot by threatening the complainant. Though the complainant persuaded him by placing relevant documents of the said plot that the same



belongs to him, despite, accused No.1 by exhibiting some fake documents claimed right over the said plot. Thereafter, though accused No.1 filed a civil case against the complainant to that effect in March 2025, the said case was dismissed for non-prosecution. Later on 12.01.2026 at about 10.00 a.m. when the complainant was doing construction work in the said plot, accused No.1 along with 3 others including this petitioner visited the said plot and restrained the complainant from doing construction by demanding Rs.10,00,000/-. Later accused No.1 picked up quarrel with the complainant. When the complainant refused to give the money demanded by accused No.1, accused No.1 took him to Shaki hotel and assaulted him by knife. It is further alleged in the complaint that, this petitioner was present at the scene of occurrence and instigated accused Nos.1 to 3. Later the complainant filed a complaint on 12.01.2026 and the same came to be registered in Crime No.5/2026 for the aforementioned offences. Ever since, the date of registration of FIR, the



respondent-Police are making hectic attempts to arrest this petitioner. On his apprehension of arrest, he approached III Additional District and Sessions Judge at Kalaburagi for grant of anticipatory bail in Crl.Misc.No.77/2026. The same was dismissed vide order dated 02.02.2026. Hence, this petition.

3. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent.

4. Learned counsel for the petitioner, reiterating the grounds urged in the petition, prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposed the prayer and prays to dismiss the petition.

6. I have given my anxious consideration both on the submission made by the learned counsel for the respective parties and the documents available on record.



7. As could be gathered from records, in the complaint it is alleged that accused No.1 was nourishing ill-will against the complainant in respect of plot No.175 and he has also filed a Civil suit against the complainant, which was later, dismissed for non-prosecution. On the date of incident, he along with accused Nos.1 to 3 took accused No.1 to Shaki hotel and all of them assaulted the complainant with knife. However, the allegation against this petitioner is that, he instigated accused Nos.1 to 3 to assault the injured-complainant. Due to the same, the complainant has sustained only minor injuries and was treated as an outpatient. Accused Nos.1 to 3 are already arrested by the Investigating Officer. Now this petitioner/accused No.4 being an abettor, his custodial interrogation is not called for. Hence, without expressing any opinion on the merits of the case, suffice to hold that the petitioner/accused No.4 is entitled for anticipatory bail.

8. The Criminal Petition is ***allowed***.



9. The respondent-Police are directed to release the petitioner/accused No.4 in the event of his arrest in Crime No.5/2026 registered by Raghavendranagar Police Station, Kalaburagi for the offences punishable under Sections 109(1), 115(2), 352, 140(4), 351(2) r/w Section 190 of BNS, 2023, subject to the following conditions:

- i. The Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the investigating officer.
- ii. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.
- iii. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation



and appear before them whenever called upon.

- iv. The petitioner shall not involve in similar offences in future.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 2 Sl No.: 5
CT:rj