



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200353 OF 2026
(439(Cr.PC)/483(BNSS))

BETWEEN:

FITER @ DHANUSH
S/O DIWAKAR PATIL
AGE: 30 YEARS, OCC: COOLIE
R/O BAPU NAGAR, KALABURAGI
DIST: KALABURAGI-585102

...PETITIONER

(BY SRI ASHOK MULAGE, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH BRAHMPUR POLICE STATION
KALABURAGI, DIST: KALABURAGI-585102
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107

...RESPONDENT

(BY SRI GOPAL KRISHNA B. YADAV, HCGP)

THIS CRIMINAL PETITION IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND ENLARGE THE PETITIONER/ACCUSED NO.6 ON BAIL IN CRIME NO.108/2020 OF BRAHMPUR POLICE STATION,





DISTRICT KALABURAGI, FOR THE OFFENCES PUNISHABLE U/SECS.399, 402 OF IPC PENDING ON THE FILE OF IV ADDL. CIVIL JUDGE AND JMFC, KALABURAGI IN C.C NO.20152/2022.

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 483 of BNSS, 2023, by the petitioner/accused No.6 for grant of bail in Split-up C.C.No.20152/2022, arising out of Crime No.108/2020, registered by the Brahmapur Police, Kalaburagi for the offences punishable under Sections 399 and 402 of Indian Penal Code, 1860, pending on the file of IV- Additional Civil Judge and JMFC, Kalaburagi.

2. The factual matrix of the case is, based on the *suo moto* complaint of the Police Inspector of respondent-Police, a case has been registered against six persons in Crime No.108/2020 for the aforesaid offences by arraigning this petitioner as accused No.6. It is alleged in the complaint that on 31.10.2020 at about 3.30 a.m. near Veeresh Nagar Cross, Kalaburagi the petitioner and other



accused were making preparation to commit dacoity. As such, the complainant along with his staff and panchas conducted raid and caught hold four accused persons i.e., accused Nos.1 to 4. However, this petitioner and accused No.5 escaped from the spot. Subsequently, absconding charge sheet was filed against this petitioner and the case against accused Nos.1 to 4 was committed before the III Additional District and Sessions Judge, Kalaburagi and tried in S.C.No.137/2023 and accused Nos.1 to 4 are acquitted vide judgment dated 08.04.2024 by the learned Sessions Judge. Thereafter, this petitioner is arrested on 27.01.2026 and remanded to judicial custody. Ever since then, he is in judicial custody. Aggrieved by the same, petitioner preferred bail application before the III Additional District and Sessions Judge in Crl.Misc.No.159/2026. The same was dismissed vide order dated 16.02.2026. Hence, this petition.

3. Heard the learned counsel for the petitioner and the learned HCGP for respondent – State.



4. Learned counsel for the petitioner reiterated the grounds urged in the petition and prays to allow the petition.

5. *Per contra*, the learned HCGP opposed the prayer and sought to dismiss the petition.

6. I have given my anxious consideration both on the submission made by the learned counsel for the respective parties, so also perused the materials available on record.

7. As could be gathered from records, accused Nos.1 to 4 are already acquitted by the Sessions Court in S.C.No.137/2023. Moreover, the offences charge sheeted against this petitioner are punishable under Sections 399 and 402 of IPC, that he along with accused Nos.1 to 4 were making preparation to commit dacoit. Since the said charges are not proved before the Trial Court against accused Nos.1 to 4, the custodial incarceration of the petitioner is not called for.



8. Accordingly, the petition is ***allowed***.

9. The petitioner/accused No.6 is directed to be enlarged on bail in split-up C.C.No.20152/2022 arising out of Crime No.108/2020 registered by the Brahmapur Police Station, Kalaburagi for the offences punishable under Sections 399, 402 of Indian Penal Code, 1860 pending on the file of the IV Additional Civil Judge and JMFC, Kalaburagi subject to the following conditions:

- a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;



e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

f) The petitioner shall mark his attendance before the Station House Officer, Brahmapur Police Station, Kalaburagi on first Sunday of every month between 10.00 a.m. and 01.00 p.m. till the case registered against him is disposed off before the Trial Court.

**Sd/-
(RAJESH RAI K)
JUDGE**

SWK
List No.: 1 Sl No.: 6
CT-BH