



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200550 OF 2026

(438(Cr.PC)/482(BNSS))

BETWEEN:

1. SRI. SAYED FARVEZ ALI
S/O SYED SHARE ALI
AGE: 42 YEARS, OCC: PRIVATE WORK
R/O H NO.1-12-92/92, DADDY COLONY
RAICHUR, DIST: RAICHUR-584101
2. SRI. M D KHADIR MOINUDDIN
@ KHADIR MOINUDDIN
S/O M D MALLIKARJUN @ MALIKUDDIN
AGE: 51 YEARS, OCC: PRIVATE WORK
R/O H NO. 41/302/2, SHANTI NAGAR
VANAPARTI, SAVAIGUDAM, MEHABOOB NAGAR
ANDHRA PRADESH-509001

...PETITIONERS

(BY SRI. SANJAY A PATIL., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SIRWAR POLICE STATION
SIRWAR CIRCLE, DIST: RAICHUR-584101
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA





KALABURAGI BENCH

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P IS FILED U/S. 438 OF CR.P.C (OLD), U/S. 482 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION, THEREBY DIRECTING THE RESPONDENT POLICE/SIRWAR POLICE STATION, DISTRICT RAICHUR TO ENLARGE THE PETITIONERS/ACCUSED NO.1 AND 2 ON BAIL, IN THE EVENT OF THEIR ARREST IN CONNECTION WITH CRIME NO.67/2025 REGISTERED FOR THE OFFENCES PUNISHABLE U/SECS. 319(2), 318(4), 336(2), 336(3), AND 340(2) R/W SECTION 190 OF BNS-2023 NOW PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, MANVI, DISTRICT RAICHUR AS PER FIR.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in the event of their arrest in Crime No.67/2025 of Sirwar Police.

2. I have heard the arguments on both sides.

3. On basis of the complaint filed by Smt.Nikatunnisa Khadri, Sirwar Police has registered the case in crime No.67/2025 against accused Nos.1 to 11 for the commission of offences under Sections 319(2),



318(4), 336(2), 336(3), 340(2), 190 of BNS, 2023. The present petitioners have filed petition under Section 482 of BNSS 2023 in Criminal Miscellaneous No.146/2026 before II Addl. District and Sessions Court, Raichur the same came to be dismissed on 15.04.2026. Hence, the petitioners have filed this petition for grant of anticipatory bail. The learned counsel appearing on behalf of the petitioners have urged that the following grounds for grant of anticipatory bail is as under:

i. Petitioners are innocent persons they have not committed any offence much less as alleged in the complaint or in the Police papers, they are law abiding citizens.

ii. It is submitted on behalf of the petitioners that, admittedly the alleged date of offence as per complaint is on 02.01.2025, but however for the first time complaint came to be lodged on 26.06.2025 there is a delay of more than 5 months in filing the complaint, the said delay goes



to the root of the matter, since there is no explanation whatsoever made by the complainant.

iii. It is submitted on behalf of the petitioners that, the entire gist of the complaint would reflect a civil transaction between the parties, however the complainant has given a criminal colour by filing the complaint which is against the settled position of law as held by Hon'ble Apex Court in the case of Delhi Race Club Vs. NCT of India.

iv. It is submitted on behalf of the petitioners that, the alleged offences are not exclusively punishable with death or imprisonment for life and further that the alleged gift deed and sale deeds are public document which are registered deeds and as such easily accessible to the investigating officer and hence no custodial interrogation of the petitioners is necessary for recovery of the same.

v. It is submitted on behalf of the petitioners that, though the FIR is registered on 26.06.2025 till today Police have not apprehended the petitioners though they are readily available in the address shown in the cause title.



vi. It is submitted on behalf of the Petitioners that, the respondent Police are now and then visiting the house of the Petitioners and enquiring his whereabouts with their family members and are also threatening them with dire consequences as such Petitioners reasonably believes that they shall be apprehended by the respondent Police in connection with Crime No.67/2025.

vii. It is submitted on behalf of the Petitioners that, Petitioners are residents of the address shown in the main cause title, if he is enlarged on anticipatory bail, his whereabouts are easily traceable, and they further undertake to cooperate the I.O in the investigation.

viii. Petitioners are ready and willing to abide by any conditions if imposed by the Hon'ble Court while granting anticipatory bail.

ix. Petitioners are ready and willing to offer surety to the satisfaction of this Hon'ble Court.

4. On all these grounds sought to allow this petition.



5. As against this, the learned HCGP has opposed the bail application and sought for dismissal of the petition.

6. I have examined the materials placed before this Court.

7. The IO has registered the case in Crime No.67/2025 against the accused on 26.06.2025 and submitted the FIR to the Court on 27.06.2025. Even after lapse of more than 10 months, the IO has not taken any coercive steps to secure the presence of the accused for interrogation/investigation. Even after dismissal of the anticipatory bail application by the learned Sessions Judge, the IO has failed to secure the presence of the accused for investigation. The IO has not issued any notice to the petitioners under Section 35 of BNSS 2023. The alleged commission of offences are not punishable with death or imprisonment for life. Considering the nature and gravity of offence, previous antecedent petitioners without expressing any opinion on merits of the case and non



compliance of Section 35 of BNSS, 2023. It is just and proper to allow this petition with conditions. Accordingly, I proceed to pass the following:

ORDER

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

The petitioners/accused Nos.1 and 2 shall be released on bail on executing self-bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with one surety each for the likesum to the satisfaction of the Investigating Officer, in the event of their arrest in Crime No.67/2025 registered by Sirwar Police Station, subject to the following conditions:

- i. The petitioners/accused Nos.1 and 2 shall appear before the Investigating Officer on every Monday between 10:00 a.m. and 5:00 p.m. till filing of the final report;



- ii. The petitioners/accused Nos.1 and 2 shall assist the Investigating Officer for investigation;
- iii. The petitioners/accused Nos.1 and 2 shall not tamper or threaten the prosecution witnesses in any manner.

If the petitioners violate any of above bail conditions, the State is at liberty to file necessary application before the Trial Court for cancellation of bail.

Sd/-
(G BASAVARAJA)
JUDGE

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List No.: 1 Sl No.: 11