



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201454 OF 2025

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

BETWEEN:

BASANAGOUDA
S/O BALARAMAPPA GOUDA PATIL (YEVUR)
AGED ABOUT 52 YEARS, OCC: AGRICULTURE,
R/AT TALAHALLI (B) VILLAGE,
TQ. SHORAPUR, DIST. YADGIRI-585106.

...PETITIONER

(BY SRI. BASAVARAJ C. JAKA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH KEMBHAVI POLICE STATION
DIST. YADGIRI-585216.
NEW REPRESENTED BY ADDL. S.P.P.
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107.

...RESPONDENT

(BY SMT. ANITHA M. REDDY., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C (OLD), UNDER SECTION 482 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND DIRECT THE RESPONDENT KEMBHAVI POLICE TO RELEASE THE PETITIONER ON ANTICIPATORY BAIL, IN THE EVENT OF HIS ARREST IN

Digitally signed by
NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA



CRIME NO.140/2025, REGISTERED BY KEMBHAVI POLICE STATION DIST. YADGIRI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2), 191(2), 191(3), 126(2), 115(2), 118(1), 118(2), 109(1), 352, 351(2), 190 OF BNS-2023, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC (SN. DN.) COURT SHORAPUR

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

Captioned petition is filed by accused no.1 in Crime No.140/2025, registered by Kembhavi Police Station, Yadgiri District for the offences punishable under Sections 189(2), 191(2), 191(3), 126(2), 115(2), 118(1), 118(2), 109(1), 352, 351(2) and 190 of the Bharatiya Nyaya Sanhita (BNS), 2023 pending on the file of Civil Judge and JMFC (Sn. Dn) Court, Shorapur.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the State. Perused the materials placed on record. This Court has also bestowed its anxious



consideration to the order passed by the Co-ordinate Bench of this Court in Crl.P. No.201325/2025, dated 09.09.2025, whereby anticipatory bail was granted to the co-accused on similar allegations.

3. The gist of the prosecution case is that there exists a dispute between the complainant's family and the accused persons regarding a pathway. It is alleged in the First Information Report that on 01.08.2025 at about 10.00 a.m., when the injured Ramanagouda, who is the uncle of the informant, along with the informant and others, was proceeding towards their land, the present petitioner and other accused persons formed an unlawful assembly armed with rods, clubs, and an axe. It is further alleged that they wrongfully restrained the complainant's party from proceeding on the said pathway, abused them in filthy language, and assaulted them with the intention to cause their death.

4. The specific overt act attributed to the present petitioner is that he assaulted Ramanagouda with an axe



and caused grievous injuries, including a fracture of the lower third of the fibula and fractures of the left 4th and 5th metatarsal bones. The records reveal that the injured was discharged from the hospital on 06.08.2025.

5. However, this Court notices that the genesis of the dispute arises out of the use of a common pathway, which is essentially civil in nature. The allegations stem from a long-standing dispute over right of access to land, and the same appears to have led to scuffle owing to animosity between the parties.

6. Although there is a specific overt act attributed to the petitioner/accused No.1, it is to be noted that the co-accused, who were alleged to have used rods and sticks during the same incident, have already been granted anticipatory bail by the Co-ordinate Bench by imposing stringent conditions.

7. Having regard to the parity of circumstances and the nature of injuries sustained, this Court is of the



considered view that the petitioner is also entitled to the benefit of anticipatory bail. However, in view of the specific allegations, the grant of such relief shall be subject to the imposition of stringent conditions to ensure the petitioner's cooperation in the investigation.

8. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

The petition is allowed.

The respondent-Police are directed to release the petitioner on bail in the event of his arrest in connection with Crime No.140/2025 registered by Kembhavi Police Station, Yadgiri District, for the offences punishable under Sections 189(2), 191(2), 191(3), 126(2), 115(2), 118(1), 118(2), 109(1), 352, 351(2), and 190 of the Bharatiya Nyaya Sanhita, 2023, which is pending on the file of the Civil Judge and JMFC (Senior Division), Shorapur, subject to the following conditions:



- i) The petitioner shall appear before the Investigating Officer within fifteen (15) days from the date of receipt of a certified 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 like sum to the satisfaction of the Investigating Officer.
- ii) The petitioner shall regularly appear before the Trial Court during the course of the proceedings, unless exempted for valid reasons by the Trial Court.
- iii) The petitioner shall not tamper with the prosecution witnesses or the material evidence, either directly or indirectly.
- iv) The petitioner shall cooperate with the Investigating Officer in the investigation and shall appear before him as and when required.
- v) The petitioner shall not involve himself in any similar or other criminal activities in future.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE