

KABG010063222023



**IN THE COURT OF THE XI ADDL. DISTRICT AND  
SESSIONS JUDGE, BELAGAVI**

**Present**

**Shri. ERANNA E.S.,**

M.A., LL.B.,

XI Addl. District and Sessions Judge, Belagavi

**Criminal Misc. No.968/2023**

**Dated this 16th day of August, 2023**

**PETITIONERS:**

1. Nagappa Mudakappa Pujeri  
Age: 73 years, Occ: Agriculture.
2. Smt. Doddavva W/o. Nagappa Pujeri  
Age: 70 years, Occ: Agriculture.
3. Yallappa S/o. Nagappa Pujeri  
Age: 48 years, Occ: Agriculture.

All are R/o. Chandan Hosur,  
Tq. & Dist. Belagavi.

(By Shri. V. S. Lokur, Adv.)

**V/S**

**RESPONDENT:**

The State of Karnataka.  
Through Bagewadi P.S., Dist. Belagavi.

(Represented by Public Prosecutor)

**ORDER**

The petitioners have filed this petition U/Sec.438 of the Cr.P.C., seeking grant of anticipatory bail in respect of the criminal case registered in Cri.No.100/2023 by the Bagewadi Police, district Belagavi for the offences punishable U/Sec. 326, 307, 504, 506 r/w Sec.34 of IPC.

2. Brief facts of the prosecution case is that, the complainant by name Mudakappa Hanumant Pujeri has lodged a complaint, alleging that earlier there was dispute between the family members of himself and accused persons regarding their ancestral properties. On 22.7.2023 at about 11.35 p.m. when himself and his family members were in sleep, he heard shouting in their backyard and saw that accused No.2 was abusing his father in filthy language and when the complainant questioned the same, the accused persons with an intention to kill the father of complainant assaulted on his head with rod, pushed the mother of complainant by holding her neck, abused them in filthy language and also gave them life threat and thereby the accused persons have committed the aforesaid offences.

3. On the basis of the complaint lodged by the complainant Bagewadi Police have registered the case in Cr. No.100/2023 against the accused persons for the offences punishable U/Secs.326, 307, 504, 506 r/w Sec.34 of IPC.

4. The petitioners have filed this petition on the following grounds-

The petitioners are innocent, law abiding citizen and have not committed any alleged offences. They have been falsely involved in the said crime at the instigation of the enimical persons with the petitioners by creating false story in order to harass them. The accused No.2 has filed complaint against the complainant and his family members under Cr.No.99/2023 for offences punishable U/s.324, 307, 504, 506 r/w 34 of IPC since the petitioners have suffered injuries in the alleged incident. There are no medical evidences to show that the complainant has suffered injuries. The police papers do not make out any prima facie case against the petitioners for the alleged offences. The petitioners No.1 and 2 are old aged persons and are in apprehension of arrest and in the event of their arrest the petitioners and their family members will be put to untold hardship, inconvenience and loss which cannot be compensated in any means. The petitioner No.2 is old aged woman.

It is further stated that, the petitioners are permanent residents of Chandanhosur village, having movable and immovable properties hence there is no chance of petitioners to flee away from the justice. There are no previous complaints against the petitioners. They are ready and willing to furnish the surety to the satisfaction of this Hon'ble Court if they released on bail. The petitioners are ready and

willing to abide by the terms and conditions imposed by this Hon'ble Court. They undertake to co-operate with the investigating officer in the investigation. The petitioners undertake to appear before the Hon'ble Court when ordered. On all these grounds the petitioners pray to allow the petition.

5. In response to the notice issued, the learned Public Prosecutor has filed her objection wherein, it is contended that, there are sufficient materials against the accused persons including the petitioners. The investigation is yet not completed. The IO has collected materials and drawn Panchanama. The offences are heinous in nature. All the accused persons are politically and financially powerful. If the petitioners are granted anticipatory bail, there is every chance of absconding and cause hurdle for investigation and the trial. Hence, prays for dismissal of the petition.

6. Heard the arguments of the learned counsel for the petitioners and the learned Public Prosecutor. Perused the entire records.

7. The Points that arise for the consideration of this court are as under.

1. Whether the petitioners have made out any reasonable or substantial grounds to allow the bail petition?
2. What order?

8. On the basis of the materials on record, above points are answered as under-

POINT NO.1: In the affirmative

POINT NO.2: As per final order.

### **REASONS**

9. **POINT No.1:** Prima-facie, the petitioners are facing allegations of attempt to murder of father of complainant along with other accused persons.

10. A perusal of the records placed before this court indicates that, the police during the course of investigation have arrested the some accused persons suspecting their involvement in the alleged offences along with other accused persons. The investigation is in progress.

11. The learned counsel for the petitioners has submitted his arguments mainly on the contents of the petition as well as the remand yaadi and other materials like complaint, FIR. The petitioners have been implicated falsely in the case by the Police, there are case and counter case filed with regard to the dispute regarding ancestral properties. He has pointed out towards the contents of remand yaadi. The petitioners are agriculturists having family members who are dependents on them. The petitioners No.1 and 2 are old aged persons and the petitioner No.2 is a woman. They undertake not escape from the clutches of the court, they will co-operate for investigation in the matter. They are ready to abide by the

conditions imposed by the court to grant them anticipatory bail.

12. Per contra, the learned Public Prosecutor has also submitted her arguments mainly on the contents of the complaint, FIR and also other materials. The petitioners are the accused No.3 to 5 in the case on hand. She has pointed out towards the contents of complaint. There are prima-facie materials against the petitioners. There are no grounds to allow the petition.

13. After hearing the learned counsel of the petitioners/ accused No.3 to 5 and the learned Public Prosecutor, I have gone through the materials available before the Court, I have also gone through the complaint and other documents. The incident took place on 22.7.2023 at night hours. The other accused along with the petitioners are involved in the alleged crime. The IO has collected the materials during his investigation. IO has to record the statements of other witnesses. On perusal of the records, they reveal that there is a dispute between both the parties in regard to their ancestral properties and they are yet in enimical motive with each other. For this reason the alleged incident happened. In the said incident the accused No.2 tried to commit murder the father of complainant with the help of iron rod and caused injuries. The alleged offences are heinous in nature and one of them is punishable with imprisonment for life.

14. Further the petitioners No.1 and 2 are senior citizens having more than 70 years of age. The petitioner No.2 is the woman. Investigation in the present crime is in progress. If they are enlarged on anticipatory bail they will not tamper the prosecution witnesses and hamper the further investigation. The petitioners have stated that they are ready to be abide by any of the conditions imposed. Therefore, by imposing certain stringent conditions, the apprehension of the prosecution with regard to tampering of witnesses and hampering the investigation, may be allayed. It is not a case for rejection of bail application. Therefore, I hold that the petitioners are entitled for anticipatory bail by imposing certain conditions. Accordingly, I answer the Point No.1 in the affirmative.

15. **POINT NO.2:** In view of the findings on Point No.1, the court proceeds to pass the following:

### **ORDER**

The bail petition filed by the petitioners U/s.438 of Cr.P.C. is allowed on the following conditions.

1. The petitioners shall execute the personal bond for Rs.50,000/- each along with surety for like sum in the event of their arrest, in relation to Cr.No.100/2023 in Bagewadi P.S., Dist.Belagavi.

2. The petitioners shall appear before the jurisdictional JMFC Court within 30 days from the date of this order and to file the regular bail application seeking grant of regular bail.
3. The petitioners shall give their attendance before the I.O. once in 15 days on Sunday in between 10.00 a.m. and 5.00 p.m. till filing of charge sheet.
4. The petitioners shall not tamper or threaten the prosecution witnesses.
5. The petitioners shall co-operate with the investigation.

(Dictated to the Judgment writer directly on computer, corrected by me and then pronounced in open court on 16th day of August, 2023).

(Eranna E.S.)

XI Addl. District and Sessions Judge, Belagavi