NC: 2025:KHC-D:16192
CRL.P No. 104454 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.RACHAIAH

CRIMINAL PETITION NO.104454 OF 2025

(439(Cr.PC)/483(BNSS))

BETWEEN:

SHRI. MAHALINGA S/O. SANGAPPA YALASANG,
AGE. 54 YEARS, OCC. KIRANI MERCHANT,
R/AT. HORATTI GALLI, HOSUR, TQ. RABAKAVI,
DIST. BAGALKOT-587314.

...PETITIONER

(BY SRI. GOURISHANKAR S.MOT, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
DHARWAD RURAL POLICE STATION, DHARWAD,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD BENCH,
DHARWAD-580011.

...RESPONDENT

(BY SRI. PRAVEENA Y.DEVAREDDIYAVARA, HCGP)

Digitally signed by SAMREEN AYUB DESHNUR
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (483 OF BNSS), PRAYING TO, ENLARGE THE PETITIONER/ACCUSED NO.7 ON REGULAR BAIL AS ATTACHED IN DHARWAD RURAL POLICE STATION CRIME NO.177/2025 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 310(2), 310(5), 62(1), 333 OF BNS 2023, AND 42(3) OF TELECOMMUNICATIONS ACT 2023, 25(1-B) ARMS ACT, WHICH IS PENDING ON THE FILE OF COURT OF 4TH ADDL. SENIOR CIVIL JUDGE AND JMFC COURT, AT DHARWAD, IN THE INTEREST OF JUSTICE.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S.RACHAIAH)

1. The petitioner is before this Court, who is arrayed as accused No.7, seeking regular bail in Dharwad Rural P.S. Crime No.177/2025, pending on the file of IV Additional Senior Civil Judge and JMFC Court, Dharwad.

2. The complaint came to be lodged by the complainant namely, Kannappa S/o.Laxman Jadli, stating that he was the resident of Mamata Farm House, Daddi Kamalapur. He was working as a coolie in the said farm house living along with other inmates. On 12.08.2025 around about 09.30 p.m. when they were sleeping in the farm house along with others, around about 01.30 a.m. some unknown persons trespassed into the farm house and applied the adhesive tape on the mouth of them and committed robbery and snatched the mobile phones of the complainant and another. Immediately after committing the

said act, they fled away from the spot. On the following day around 14.30 hours, he lodged a complaint before Dharwad Rural Police.

3. The respondent police after registering the case in Crime No.177/2025, conducted investigation. During investigation the names of these petitioners have been unfolded on record as disclosed by the co-accused. Therefore, they are before this Court seeking for regular bail.

4. Heard Sri. Gourishankar S. Mot, learned counsel for the petitioner and Sri. Praveenn Y. Devaraddiyavar, learned High Court Government Pleader for respondent – State.

5. The submission of the learned counsel for the petitioner/accused No.7 is that, there is no overt act attributed against the petitioner in the complaint. No identification parade has taken place to identify the petitioner. His participation is doubtful. He will abide by the conditions imposed by this Court in the event of his release

on bail. Making such submissions, he prays to allow the petition.

6. *Per contra*, learned High Court Government Pleader for respondent-State vehemently opposed the submission of the learned counsel appearing for the petitioner and also submitted that accused No.1 and others trespassed into the farm house where the complainant and others were sleeping and snatched the mobile phones by applying the adhesive tapes on the mouth of the complainant and others. In fact, the said mobile phones have been recovered at the instance of accused No.1. This petitioner has been implicated in this case on his voluntary statement. Therefore, it is not appropriate to grant him bail.

9. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, the record would indicate that, the incident allegedly took place at about 01.30 a.m. on 13.08.2025. So far the identification parade has not been conducted by the Investigating Officer, though, there are antecedents as

against accused Nos.4 and 8, the fact remains that, they are on bail in those cases. Therefore, I am of the considered opinion that the petitioner is entitled for bail. Hence, I proceed to pass the following:

ORDER

i) The petition is allowed.

ii) The petitioner/accused No.7 is ordered to be enlarged on bail in Crime No.177/2025, of respondent police, on executing personal bond for a sum of ₹1,00,000/- (One Lakh Rupees), with one surety to the satisfaction of the Trial Court.

iii) The petitioner shall appear before the Court on all hearing dates without trial.

iv) The petitioner shall not threaten the prosecution witnesses.

v) The petitioner shall not commit similar or any other criminal offences till disposal of the case.

vi) The petitioner shall furnish his current and permanent address proof before the respondent police within a period of one month from today.

In case, if the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S.RACHAIAH)
JUDGE

SMM/CT: UMD
List No.: 1 Sl No.: 27