



CNR: KAHC020167022026

NC: 2026:KHC-D:16412
CRL.P No. 102409 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 1ST DAY OF OCTOBER, 2026

**BEFORE
THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

CRIMINAL PETITION NO.102409 OF 2026

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

BETWEEN:

MR. KALLAPPA S/O. BASAVANNI MALAJ
AGE: 43 YEARS, OCC: REPORTER,
R/O. ANJANEYA NAGAR,
HUKKERI-590009,
TQ: HUKKERI, DIST: BELAGAVI.

... PETITIONER

(BY SRI. NEELENDRA D. GUNDE, ADVOCATE)

AND:

STATE OF KARNATAKA
BY HUKKERI POLICE STATION,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD- 580001.

... RESPONDENT

(BY SRI. PRAVEENA Y. DEVAREDDIYAVARA, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 439 OF CR.P.C.
AND SECTION 483 OF BNSS, PRAYING TO GRANT BAIL TO THE
PETITIONER IN CRIME NO.164/2026 REGISTERED IN HUKKERI
POLICE STATION FOR OFFENCES U/S. 319(2), 318(4), 140(2), 3(6)
OF BNS, PENDING BEFORE CIVIL JUDGE AND JMFC., HUKKERI.

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

Digitally signed by
CHANDRASHEKAR
LAXMAN
KATTIMANUR
Location: High
Court of
Karnataka,
Dharwad Bench,
Dharwad





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ORAL ORDER

PER: HON'BLE MR. JUSTICE VENKATESH NAIK T

The petitioner/accused No.1 has filed this petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 [439 of Cr.P.C] seeking to grant regular bail in connection with Crime No.164/2026 of Hukkeri Police Station, registered for the offences punishable under Sections 319(2), 318(4), 140(2) and 3(6) of the BNS Act, 2023, pending on the file of learned Civil Judge and JMFC, Hukkeri.

2. The brief facts of the prosecution case in nutshell is as under:

On 18.07.2026, at about 5:00p.m., near the canal of Kotabagi Village, one of the accused allegedly handed over two packets containing ganja to the *de facto* complainant and demanded a sum of ₹1,000/-. After receiving the said amount, the remaining four accused persons chased the *de facto* complainant in a car, apprehended him, and forcibly took him in the car to a sugarcane field situated at Kotabagi Village. Thereafter, all the accused persons represented to the complainant that they were Police Officers and threatened that



they would register a case against him under the NDPS Act and send him to Hindalga Jail. Accordingly, the accused persons took photographs and videos of the *de facto* complainant by force and compelled him to place the ganja packets in their car. Thereafter, they took him to Hukkeri town, where the accused persons informed the *de facto* complainant that they would take him to the police station, register a case against him, and put him behind bars in Hindalga Jail. They demanded a sum of ₹.2 to 3 lakhs and represented that, if the *de facto* complainant paid the said amount, they would not take any action against him.

Under such circumstances, the complainant paid ₹.15,000/- to the accused persons on 18.07.2026 and a further sum of ₹45,000/- on 20.07.2026, in total of ₹60,000/- to the accused persons. The accused persons obtained the said amount from the complainant by falsely representing themselves to be Police Officers and by threatening and abducting him for the purpose of extracting money from him. Thereafter, the *de facto* complainant lodged complaint before respondent-police.



3. During the course of investigation, the petitioner/accused No.1 was arrested and later, he was remanded to judicial custody.

4. Heard learned counsel for the petitioner and learned High Court Government Pleader appearing for respondent-State.

5. Learned counsel for the petitioner vehemently contended that the petitioner has been falsely implicated in the case and that he has not committed any offence as alleged against him. It is further contended that the alleged offences are not punishable with death or imprisonment for life and the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, learned counsel for the petitioner prayed to allow the petition.

6. *Per contra*, the learned High Court Government Pleader filed statement of objections and vehemently contended that, there is *prima-facie* material against the petitioner and he is involved in the alleged offences. It is contended that the Investigating Officer has conducted the Test



Identification Parade, wherein the *de facto* complainant identified the petitioner and the amount was recovered at the instance of the accused persons. It is contended that if the petitioner is enlarged on bail, he may commit similar offences and he may threaten the prosecution witnesses. Hence, learned HCGP prayed to dismiss the petition.

7. Perused the material available on record.

8. On perusal of the material available on record, it appears that the accused persons kidnapped the *de facto* complainant on the pretext that they would register a case and also on the premise that ganja had been placed in his car. The statement of objections and the material available on record clearly demonstrate that the alleged offences are not punishable with death or imprisonment for life. The petitioner has been in judicial custody. Since the recovery has already been effected, his further detention in judicial custody is not necessary.

9. Having regard to the facts and circumstances of the case, looking into the nature of allegation made against the



petitioner, gravity of offence, severity of punishment, chances of petitioner absconding or fleeing away from justice if released on bail, character and antecedents of the petitioner tampering of the prosecution witnesses, the petitioner is entitled for grant of regular bail by imposing certain conditions. Accordingly, the Court proceeds to pass the following;

ORDER

The criminal petition is ***allowed***.

The petitioner/accused No.1 is ordered to be released on regular bail in connection with Crime No.164/2026 of Hukkeri Police Station, pending on the file of learned Civil Judge and JMFC, Hukkeri, on executing personal bond for a sum of ₹2,00,000/- with two sureties or for the like sum to the satisfaction of the Trial Court/jurisdictional Court subject to following conditions:

- i. The petitioner shall appear before the jurisdictional Court on all the dates of hearing without fail.



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- ii. The petitioner shall not tamper with prosecution witnesses.
- iii. The petitioner shall not directly or indirectly tamper with or threaten the prosecution witnesses in any manner.
- iv. The petitioner shall co-operate with the Investigating Officer, until completion of the investigation;
- v. The petitioner shall not involve in any offences in future, and
- vi. The petitioner shall mark his attendance before the respondent-Police, viz., Investigating Officer/Station House Officer once in every fortnight i.e., on first and fifteenth of every month between 10.00 a.m. and 5.00 p.m. for a period of six months or till filing of final report, whichever is earlier.



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Any violation of the conditions imposed above would enable the prosecution to seek for cancellation of bail.

It is made clear that the above observations made herein are only for disposal of the present petition.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AM
CT:GSM
LIST NO.: 1 SL NO.: 48