



THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Accused Nos.1 to 7, 10 to 13 in Crime No.260/2023 registered by Kakati Police Station, Belagavi City, for the offences punishable under Sections 109, 114, 117, 143, 147, 148, 307, 323, 324, 326, 341, 342, 353, 354, 354(B), 355, 392, 427, 452, 504, 506, 149, 34 and 37 of IPC and Section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, are before this Court under Section 439 of Cr.P.C.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.260/2023 was registered by Kakati Police Station, Belagavi City, for the aforesaid offences against petitioners herein and two others on the basis of the first information received from Kamalavva Gadakari on 11.12.2023. During the course of investigation of the case, accused Nos.1 to 5 & 7 were arrested on 11.12.2023, accused No.6, 11 and 12 were arrested on 16.12.2023, accused No.10 was arrested on 26.12.2023 and accused No.13 was arrested on 12.12.2023. Investigation in the case is complete and charge sheet has been filed. Bail application filed by petitioners herein before the



Trial Court in Crl.Misc.No.164/2024, 165/2024, 27/2024, and 1543/2023 were rejected. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that petitioners are all villagers who are basically agriculturist's by avocation. Incident in question had taken place on 11.12.2023 after the daughter of accused No.1 was found missing. Complainant's son had left the village along with daughter of accused No.1. It is in this background, there was a fight between two parties. Parties had no ill will against each other earlier. Investigation in the case is complete and charge sheet has been filed. The victim has not suffered any grievous injuries on her body. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has seriously opposed the petition. He submits that the accused persons have committed a heinous crime. The victim was tied and she was disrobed and thereafter, she was assaulted. No leniency can be shown as against petitioners having regard to the nature of allegations. Accordingly, he prays to dismiss the petition.



6. A perusal of the averments made in the first information as well as the allegations found in the charge sheet would go to show that on 11.12.2023 after the daughter of accused No.1 was found missing from her house, accused persons came near the house of the complainant at about 01.00 a.m. and abused her on the ground that her son had eloped along with the daughter of accused No.1. Allegation is made as against accused that they assaulted the victim who is the first informant in the present case with wooden clubs which they were holding. Medical records of the victim would reveal that she has not suffered any grievous injuries as a result of the assault made by accused persons. It is also alleged that the victim was dragged out from her house and she was tied to an electricity pole and she was completely disrobed and thereafter, accused had assaulted her. The allegation of disrobing the victim after she was tied to electricity pole is only as against accused Nos.8, 11 and 12, who are ladies. There is no allegation against any other accused about disrobing the victim. Accused No.8 has been granted regular bail by this Court in Crl.P.No.100169/2024 disposed of on 30.01.2024. Petitioners



are in custody for the last more than four months. Investigation in the case is complete and charge sheet has been filed.

7. From a perusal of the allegations found in the first information as well as in the charge sheet, it appears that accused had no motive or ill will against the victim. It is only after the daughter of accused No.1 had eloped with the son of the victim, the alleged incident had taken place. Investigation in the case is complete and charge sheet has already been filed. Petitioners are basically agriculturist's by avocation. Petitioner Nos.3, 4, 6, 8 and 9 are ladies. Petitioner No.7 is aged about 19 years and is said to be a student. Petitioners do not have any criminal background. Under the circumstances, I am of the opinion that the prayer made by petitioners for grant of regular bail is required to be answered in the affirmative. Accordingly, the following order;-

8. The petition is allowed. Petitioners are directed to be enlarged on bail in Crime No.260/2023 registered by Kakati Police Station, Belagavi City, for the offences punishable under Sections 109, 114, 117, 143, 147, 148, 307, 323, 324, 326, 341, 342, 353, 354, 354(B), 355, 392, 427, 452, 504, 506,



149, 34 and 37 of IPC and Section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, subject to the following conditions:

- a) Petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;
- c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioners shall not involve in similar offences in future;

Sd/-
JUDGE