

# Gangadhar S/O Devaleppa Lamani vs The State Of Karnataka on 21 February, 2025

**Author: Ravi V.Hosmani**

**Bench: Ravi V.Hosmani**

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NC: 2025:KHC-D:3  
CRL.P No. 100467 of 2

IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH

DATED THIS THE 21ST DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

CRIMINAL PETITION NO.100467 OF 2025  
[439(Cr.PC)/483(BNSS)]

BETWEEN:

GANGADHAR  
S/O. DEVALEPPA LAMANI,  
AGE: 36 YEARS, OCC. AGRICULTURE,  
R/O. BAVAPUR, TQ. HIREKERUR,  
DIST. HAVERI-581111.

... PETIT

(BY SRI AVINASH BANAKAR, ADVOCATE)

AND:

THE STATE OF KARNATAKA  
THROUGH HAMSABHAVI P.S.,  
HIREKERUR CIRCLE,  
BY ITS STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,

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(BY SMT. GIRIJA S.HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (483 OF BNSS), SEEKING TO ALLOW THE PETITION AND ENLARGE THE PETITIONER/ACCUSED ON BAIL IN CRIME NO.11/2025 BY HAMSABHAVI P.S. HIREKERUR CIRCLE FOR AN OFFENCE PUNISHABLE UNDER SECTIONS 115(2), 126(2), 329(4), 74, 76, 62, 352 AND 351(3) OF BNS.

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

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NC: 2025:KHC-D:3581  
CRL.P No. 100467 of 2025

#### ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI) This petition is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for grant of regular bail in Crime no.11/2025 by Hansabhavi Police Station, Haveri district for offences punishable under Sections 115(2), 126(2), 329(4), 74, 76, 64, 62, 352 and 351(3) of Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) by sole accused (petitioner).

2. Sri Avinash Banakar, learned counsel for petitioner submitted, case of prosecution was that Smt.Laxmi filed complaint at 5:00 p.m. on 17.01.2025, stating that she was residing with her husband at Bavapur, Hirekerur taluk, where they did coolie work and chicken farming for livelihood. On 12.01.2025, petitioner had beaten one hen injuring its leg. When complainant questions same, petitioner abused her by stating, if they entered his land, he would do same and threatened her for questioning him.

3. At about 1:00 p.m. on 15.01.2025, when complainant was sitting in front of her house, petitioner came NC: 2025:KHC-D:3581 there and suddenly pulled her by her hair and abused her by stating that if her chicken entered in land, he would injure them. He pulled her inside house, close door and after uttering threat to rape her, he pulled at her Nighty tearing it. When she screamed, he began beating her on her cheek, ear, chest and back. He also lifted and threw her on floor causing injury to her waist, due to which she was lying down. Hearing her cries, Kavya (brother-in-law's wife) arrived there, opened door, diffused situation and saved her. At that time petitioner left threatening her, though she was saved, he would not leave her. Shortly, Anand Lamani (brother-in-law) arrived. She called her husband who was in Byadagi, informed him about incident and asked him to come back.

4. It was further stated, after her husband came back and was taking her on his motorcycle to Hirekerur Hospital for treatment, petitioner followed them on his motorcycle. He blocked them near Tavaragi Halla and threatened to kill them and not allow them to survive in village, in case they filed police complaint. Thereafter, they went to Hirekerur Government Hospital, took treatment. As per advise, she went to Shikaripur Hospital in ambulance for higher treatment, and NC: 2025:KHC-D:3581 was under treatment as inpatient. Alleging that petitioner had committed offences of assault, attempt to rape etc., she filed complaint. Based on same, Crime no.11/2025 was registered Hansabhavi Police Station.

5. It was submitted, as per complaint, incident occurred on 15.01.2025, but complaint was filed only on 17.01.2025, belatedly with sole intention to implicate petitioner and harass him. It was submitted complainant and accused were relatives i.e. brother and sister ruling out probability of rape. For said reason, allegation of outraging modesty would also be farfetched. It was also submitted injury sustained being simple would also indicate that petitioner was falsely implicated and got arrested on 17.01.2025. It was submitted, petitioner was law 36 year old agriculturist and permanent resident of Bavapur village and would not jump bail. Hence, prayed for granting bail on any conditions.

6. On other hand Smt.Girija S. Hiremath, learned HCGP opposed petition. At outset and even though nature of injuries as per treatment records was simple, same would not mitigate gravity of offences as they were committed against NC: 2025:KHC-D:3581 woman. It was submitted, there were specific overt act against petitioner mentioned in complaint, for abusing, threatening and attempting to rape her, which were heinous in nature. Moreover, investigation was in progress and if bail were granted, petitioner was likely to threaten prosecution witnesses and hamper investigation. On above grounds sought for rejection.

7. Heard learned counsel and perused material available on record.

8. From above, only point that would arise for consideration is:

"Whether petitioner is entitled for grant of regular bail on condition?

9. This petition is for regular bail in Crime no.11/2025 for offences punishable under Sections 115(2), 126(2), 329(4), 74, 76, 64, 62, 352 and 351(3) of BNS.

10. Offences alleged are voluntary causing hurt under Section 115 (2) of BNS punishable with imprisonment for upto one year; wrongful restraint under Section 126 (2) of BNS punishable with imprisonment for 1 month; house-trespass NC: 2025:KHC-D:3581 under Section 329 (4) of BNS punishable with imprisonment for 1 year; assault or use of criminal force to women with intent to outrage her modesty under Section 74 of BNS punishable with imprisonment for 1 year; assault or use of criminal force to women with intent to disrobe under Section 76 of BNS punishable with imprisonment for not less than 3 years may extend to 7 years; rape under Section 64 (1) of BNS punishable with imprisonment for not less than 10 years may extend to imprisonment for life; attempt to commit offence under Section 62 of BNS; insult intent to provoke breach of peace under Section 352 of BNS punishable with imprisonment for 2 years; criminal intimidation under Section

351 (2) of BNS punishable with imprisonment for 2 years. Since offences under Sections 64 and 62 of BNS attract maximum punishment of imprisonment for life, nature of offences would be heinous.

11. However, it is admitted that nature of injuries were simple. And even as per complaint, dispute began over petty incident of complainant's chicken allegedly entering petitioner's land enraging him and he injuring one of them. Besides, petitioner's claim that petitioner and complainant were related and she was his cousin (sister) was not rebutted. Moreover, NC: 2025:KHC-D:3581 filing of complaint about two days after incident would give rise to possibility of improvisation and afterthought. Under above circumstances and concerns of investigation agency about petitioner obstructing investigation or tampering with prosecution material and witnesses could be mitigated by imposing appropriate stringent conditions. Thus by clarifying that observations made herein are prima facie consideration of this order and shall not bind trial court while passing final judgment, point for consideration is answered in affirmative. Hence, following:

ORDER Petition is allowed. Petitioner - accused is ordered to be enlarged on bail in Crime no.11/2025 of Hansabhavi Police Station for offences punishable under Sections 115(2), 126(2), 329(4), 74, 76, 64, 62, 352 and 351(3) of BNS, subject to following conditions:

a) Petitioner - accused shall execute a personal bond in a sum of Rs.1,00,000/- with two sureties for likesum to satisfaction of Court.

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b) He shall appear before Investigating Officer for purpose of investigation as and when required and co-operate with investigation.

c) Until filing of charge sheet, he shall also mark his attendance with Investigating Officer between 9:00 a.m. to 4:00 p.m. every alternative Sunday beginning from 08.03.2025.

d) He shall not attempt to contact, intimidate or threaten complainant or any other prosecution witnesses, either directly or indirectly.

e) He shall not indulge in any criminal activities.

SD/-

(RAVI V.HOSMANI) JUDGE CLK CT:PA