



**IN THE COURT OF THE LXIV ADDL.CITY CIVIL &
SESSIONS JUDGE (CCH-65) AT BENGALURU**

Dated this 30th day of April, 2026

-: P R E S E N T :-

Smt. Mala N.D.,

BAL., LL.M.,

**LXIV ADDL.CITY CIVIL & SESSIONS JUDGE,
CCH-65, BENGALURU CITY.**

Crl.Misc. No.4070/2026

PETITIONER:- : Smt. Umme Salma,
W/o Rafeeq,
Aged about 28 years,
R/at Phool Bagh,
Ramanagara.

Also at:-
Hunsanahalli Road,
Phool Bagh, Ramanagara.

(Accused No.3)

(By: Sri. Zebran Ahmed, Advocate)

Vs.

RESPONDENT:- : State of Karnataka,
By Kengeri
police station, Bengaluru.

(Rep. By Learned Public Prosecutor)

**ORDERS ON BAIL APPLICATION UNDER
SECTION 483 OF BNSS, 2023**

Petitioner/accused No.3 has filed this petition u/s 483 of BNSS, 2023 praying this court for grant of regular bail in Cr.No.144/2026 of Kengeri Police Station, Bengaluru for the offences punishable u/s 304(2), 111(2) and 317(5) of BNS, 2023 pending on the file of 6th ACJM, Bengaluru.

2. It is pleaded in the petition that petitioner is innocent of the alleged offences, she has got valid and tenable defence on her behalf, she has been falsely implicated in this case, she is neither directly or indirectly involved in the alleged offences, no gold chain or other articles have been recovered from the petitioner, she is

a daily wager who works as a maid to support her family and take care of her small children and her entire family are solely dependent on her daily wage earnings, judicial custody would cause her and her family great hardship in living a normal life.

It is further canvassed on behalf of the petitioner that, trial court has directed the respondent police to take the three year old girl child of the petitioner by name Alfiya along with her to judicial custody, presence of child in the custody would cause a huge adverse impact on the mindset of a small kid, there is no prima facie materials placed on record to show that petitioner is guilty of alleged offences, she has been made only as a scape goat, no prima facie case made out against her, as such no specific overt act attributed by this petitioner.

It is further submitted by the petitioner that, offences alleged against her does not attract, she is

made as a receiver, she being a woman has to take care of her small children and her aged parents, more over her mother is a cardiac patient with ailments need constant medical attention, alleged offences are not punishable with death or imprisonment for life.

It is further canvassed on behalf of the petitioner that, entire allegations made against her are false and frivolous, at no point of time she is involved in the alleged offences, if she is continued in judicial custody herself and her entire family would be put to severe hardship, she is a law abiding citizen, hails from respectable family, having deep roots in the society with no criminal antecedents, she is a permanent resident of the address shown in the cause title, she is ready to abide by any of the conditions that may be imposed in the event of her release. Hence, this petition seeking regular bail.

3. On the other hand, the learned public prosecutor filed objections opposing the bail petition.

4. For the purpose of brevity, the facts mentioned in the petition and objections statement will be stated at the appropriate stage of orders.

5. Heard arguments. Perused the materials on record.

6. The points, that arise for my consideration are;

1) **Whether petitioner/accused No.3 has made out valid grounds to enlarge her on bail as prayed?**

2) **What Order?**

7. For the reasons stated hereinafter, my findings on the above points are as under;

Point No.1: In the Affirmative;

**Point No.2: As per final order,
for the following:**

REASONS

8. **POINT No.1:-** Along with petition, the petitioner has produced certified copies of FIR, complaint, order sheet, Aadhar card and other documents. Perused the same.

9. The facts set out in the complaint and F.I.R., in brief, is as under;

Complainant Smt. Mohini has lodged a complaint against petitioner and other accused persons alleging that, on 25/03/2026 complainant had been for daily walk at about 5 p.m. towards 5th main road, Kengeri Suburban, while returning home from walk on the same road, two unknown persons snatched her gold chain weighing about 15 -17 grams from her neck and fled away in their bike. As such, complainant lodged complaint against the petitioner and others. Based on the said complaint, this case registered against petitioner

for the offences punishable u/s 304(2), 111(2) and 317(5) of BNS, 2023 in Cr.No.144/2026.

10. During the course of investigation the petitioner was apprehended by the I.O. and was taken to custody, since from the date of arrest she is in judicial custody. The petitioner is arrayed as accused No.3, hence, this petition.

11. On the other hand, learned public prosecutor opposes this petition through his objections on the contention that there is a prima-facie case against the petitioner. There is an overt act attributed by this petitioner and other accused persons, yet other accused persons allegedly involved in the commission of offences are to be traced and secured by the respondent police, petitioner has assisted other accused persons in selling the stolen gold ornament, under such

circumstances in the event of release of the petitioner at this stage of investigation it will certainly hamper the investigation process and at the same time there are every chance of petitioner may abscond herself, tamper or hamper the prosecution witnesses or evidence. Therefore it is prayed to reject the petition.

12. In this case, petitioner and other accused persons are alleged of snatching of gold neck chain belonging to complainant. Only allegation against the petitioner herein that she has aided accused No.1 and 2 in selling the stolen gold chain. However, allegations made against the petitioner are subject matter of trial. While canvassing arguments the learned counsel for petitioner has brought to the court notice that, petitioner has small girl child aged about 3 years, since there is nobody to look after her child, she took her child along

with her to judicial custody. Therefore, seeks enlargement of petitioner on humanitarian ground.

13. Moreover, alleged offences are non-bailable, neither punishable with death nor imprisonment for life. In addition I.O. report does not disclose any criminal antecedents pertaining to this petitioner, as such involvement of this petitioner in the alleged crime along with other accused persons is a matter of investigation and trial, therefore, having regard to her present status as well as considering the welfare of her child, it would be just and proper to enlarge her on bails by imposing stringent conditions. As such, petitioner is entitled for regular bail as sought in the petition.

14. In addition petitioner is a woman, she comes under the shelter of Section 437 of Cr.P.C. As such, at this stage it would be appropriate to rely on the

decision reported in *Rathnawwa and another V/s.State of Karnataka Crl.P. No.100503/2017 decided on 13.3.2014*, the Hon'ble court pleased to observe that;

“ The proviso in section 437 of Code of Criminal Procedure 1973 (hereinafter referred to as “Cr.P.C.” for brevity) empowers the court that even if the offences which are punishable with death or imprisonment for life or imprisonment for life or imprisonment for seven years or more, the court may direct that such a person referred to in clause - (I) or (ii) of Section 437 of Cr.P.C. be released on bail, it is satisfied that if such person is under the age of 16 years or is a woman or is sick or infirm. Therefore, it is a special proviso appended to Section 437 of Cr.P.C. particularly, considering the

***woman folk, sick and infirm persons
and the persons, who are less than
16 years."***

In view of the principles laid down in the above decision, woman and sick, aged persons are entitled to be released on bail, even in cases of offences punishable under death or imprisonment for life, as those categories of offenders falls within the purview of proviso to Section 437 of Cr.P.C.

15. The Hon'ble Supreme Court of India in the decision of **State of Rajasthan, Jaipur V/s. Balachandh @ Baliaya (AIR 1977 SC 2447)** and in catena of decisions pleased to laid down the legal doctrine that "Bail is a rule and jail is an exception". This legal doctrine is laid down for safeguarding fundamental right under Article 21 of Constitution of India, granting the right to life and liberty.

16. Under these facts and circumstances and having regard to the nature of offences alleged and punishment prescribed and in view of the law laid down by Hon'ble Supreme Court of India in the case of *Satender Kumar Antil V/s. Central Bureau of Investigation in Miscellaneous Application No.1849/2021 dated 11.07.2022*, I am of the opinion that, it is proper to enlarge the petitioner on bail by imposing appropriate terms and conditions, in the interest of investigation and trial. Accordingly, point No.1 is answered in the **Affirmative**.

17. **POINT No.2:** In view of the aforesaid discussion, this court proceed to pass the following :

ORDER

Bail petition u/s 483 of BNSS, 2023, filed by the petitioner/accused No.3 is allowed.

Petitioner/accused No.3 is ordered to be enlarged on bail in Cr.No.144/2026 of Kengeri Police Station, Bengaluru for the offences punishable u/s 304(2), 111(2) and 317(5) of BNS, 2023 pending on the file of 6th ACJM, Bengaluru, on executing personal bond for Rs.1,00,000/- (Rupees One Lakh Only) with a likesum surety on following conditions.

- 1) Petitioner/accused No.3 shall furnish documents regarding her address proof and the address proof of her sureties and copies of her Aadhar card before this court at the time of furnishing sureties.
- 2) She shall appear before the court on all dates of hearing, without fail.
- 3) She shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
- 4) She shall not involve in such or similar kind of criminal activities.
- 5) In the event any change in the residential address, petitioner and her sureties shall

intimate the same to this court immediately
without fail.

Violation of any of the conditions entitle
the Investigating Officer to move for
cancellation of bail.

(Dictated to the Stenographer Grade-III, transcribed by her
and corrected by me and then pronounced in open court on this 30th day of April,
2026)

(MALA N.D.)
LXIV ADDL.CITY CIVIL &
SESSIONS JUDGE, CCH-65,
BENGALURU CITY.

Order pronounced in the open court vide separate Order :-

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