

KABC010234482026



**IN THE COURT OF XLV ADDL. CITY CIVIL &
SESSIONS JUDGE, BENGALURU CITY (CCH-46)**

DATED THIS THE 22nd DAY OF AUGUST-2026

PRESENT:

**Sri.R.M.Nadaf, B.A.L., LL.B.,
XLV Addl. City Civil & Sessions Judge,
Bengaluru**

CRL.MISC. 7796/2026

Petitioner	Rangaswamy.D.R., S/o.Late Rajegouda, Aged about 49 years, R/at Jakkuru Layout, Byatarayanapura, Bengaluru. (By Sri.RN advocate)
	Vs
Respondent	State by Commercial Street PS, (By the learned Public Prosecutor)

ORDERS ON PETITION FILED U/S.483 OF BHARATIYA
NAGARIK SURAKSHA SANHITA 2023

The advocate for petitioner has filed bail petition U/s.483 of B.N.S 2023 to release him on bail consequent upon his remand to judicial custody in the case registered against him by the respondent Police on the complaint of complainant for the offence punishable U/s.109(1), 132, 74, 351(1), 352, 190, 121(1) of BNS in his Crime No.126/2026 of Commercial Street police station.

2. The brief facts of the petition is as under:

On 21.07.2026 at about 12.00 noon, while the complainant and other officials of the Greater Bengaluru Authority were conducting an encroachment removal drive near Atal Bihari Vajpayee Medical College, Shivajinagar Bus Stand, Bengaluru certain persons allegedly obstructed the officials in the discharge of their official duties, it is alleged that pepper spray was used and certain officials were assaulted with helmets, resulting in injuries. Thereby the

petitioners have charged with the offences punishable u/s. 109(1), 132, 74, 351(1), 352, 190, 121(1) of BNS.

3. The contention of petitioner is that he is innocent of the offences alleged against him and he has got valid and good tenable defence on his behalf. He is ready to abide by any conditions imposed by this Court while granting bail. He is law abiding citizen, he has no connection with the said crime. He hails from respectable families and has no bad antecedents or a previous convict. He is ready and willing to abide by any conditions imposed by this court. Therefore, the petitioner has prayed for allowing this petition.

4. The learned Public Prosecutor has received the notice of this petition and filed objection in detail reiterating the contents of the complaint and contended that this bail petition is not maintainable in law or on facts of the case. Further contended that there are sufficient materials to show that the petitioner involved in non

bailable offences. The investigation of this case is pending and the custodial interrogation of the petitioner is required. Due to the heinous offence committed by the accused persons, the complainant and other officials have sustained injuries. If the petitioner is granted bail then he may involved in causing mental and physical harassment to the complainant and also chance of destroying evidence and hamper the witnesses. Accordingly prayed for reject the petition.

5. Heard the arguments on both sides and perused the materials on record.

6. The following points that arises for consideration of this Court:

POINT No.1: Whether the petitioner has made out sufficient ground to release him on bail in Cr.No.126/2026 of Commercial Street police station, at stage as sought for?

POINT No.2: What order?

7. This court has answered the above points are as under:

POINT No.1: **In the Affirmative**

POINT No.2: As per the final order for
the following;

R E A S O N S

8. **Point No.1:** The materials available such as the first information and FIR including the IO report prima facie discloses that the respondent police have registered a case against the petitioner in crime No.126/2026. Admittedly, the case was registered against the petitioner for the offences punishable U/sec.109(1), 132, 74, 351(1), 352, 190, 121(1) of BNS. Here except section 109(1) of BNS, all the other offences are exclusively triable by the court of magistrate.

9. The contention of the petitioner is that he is innocent of the offences alleged against him and there is absolutely no case is made out against him for the alleged offence, but as pointed out by the learned prosecutor, the

respondent police after registering FIR against the petitioner not yet completed the investigation and at this stage, if bail is granted in favour of the petitioner, then he may abscond and also tamper the prosecution witnesses and hamper the investigation and this court do not come to the conclusion that the petitioner is innocent of the alleged offence.

10. It is specific allegation that On 21.07.2026 at about 12.00 noon, while the complainant and other officials of the Greater Bengaluru Authority were conducting an encroachment removal drive near Atal Bihari Vajpayee Medical College, Shivajinagar Bus Stand, Bengaluru certain persons allegedly obstructed the officials in the discharge of their official duties, it is alleged that pepper spray was used and certain officials were assaulted with helmets, resulting in injuries. Thereby the petitioners are charged with the offence punishable u/s. 109(1), 132, 74, 351(1), 352, 190, 121(1) of BNS.

11. No doubt obstructing the public servant from discharging their official duty and causing alleged voluntary hurt would attract section 132 and 121(1) of BNS Act. But as alleged in the FIR, whether the petitioner/accused had intention to kill the complainant public servant and his associate public servant at the time of alleged incident or had intention to use criminal force against the female public servants to outrage their modesty at the time of alleged incident is a matter of trial and could be ascertained only in full fledged trial, and which cannot be reached at this stage.

12. Further, as per the police report submitted along with objection wherein in page No.4 first para and page No.5 3rd clearly manifest that on 22-07-2026 to 26-07-2026 concerned IO took the police custody of A-1, 2, 3, 7 and 9 and stated that there is no need of remaining accused for investigation. Thereafter, on 25-07-2026 concerned IO produced these above accused before the jurisdiction

magistrate with a prayer to remand them for judicial custody by a narration that their presence is not required at present for investigation. This fact clearly narrates the presence of accused is no more required for further investigation in the present case.

13. That apart, this accused was arrested on 21-07-2026 and produced before the concerned magistrate, from then he is in judicial custody. Whether the accused has committed the alleged offence or not is a matter of trial as stated supra, and retaining accused for uncertain period before trial even after completion of investigation as averred by concerned IO in his report to the objection to the bail application is nothing but pre-trial conviction of the accused. It is well settled principle that accused person is innocent until proven guilty, and for the alleged deterrence of public servant from discharging his duty this accused has already suffered 1 month detention. Whether his alleged act

was intended to kill or not cannot be ascertained at this stage.

14. When all these materials are traversed, it is clear that the petitioner has made out ground to grant regular bail in this case and there are no special grounds to reject this bail petition at threshold. Hence, the objection of the learned Prosecutor could be equated by imposing suitable conditions on the petitioner. Hence, the petitioner is entitled for bail. In view of above reasons, this Court has answered point No.1 in **the Affirmative**.

15. **Point No.2:** In view of answer of this court on point No.1, this court pass the following:

O R D E R

The bail petition filed by the petitioner U/s.483 of BNSS is hereby allowed.

The petitioner is ordered to be released on bail on his executing personal bond for Rs.1,00,000/- with a surety for like sum to the

satisfaction of the jurisdictional court and cash security of Rs.15,000/- by way of DD in Crime No.126/2026 of Commercial Street P.S, subject to the following conditions that:

1. The petitioner shall make himself available for interrogation by the I.O. as and when required till the final report is filed. He shall appear before the I.O. in the Police station once in 15 days between 10.00 a.m. and 5.00 p.m. till the completion of investigation.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the concerned I.O.
3. The petitioner shall not hamper further investigation of the case and tamper with prosecution witnesses in any manner.
4. The petitioner shall not commit similar offence or any offence during the pendency of case.
5. The petitioner shall appear before the jurisdictional Court as and when directed.

6. The petitioner shall furnish his correct
ID residential addresses proof.

(Typed to my dictation by the Stenographer directly
on Computer, corrected by me and then pronounced
in open Court on this the 22nd day of August, 2026)

(R.M.NADAF)
XLV Addl.City Civil and Sessions Judge,
Bengaluru.