

KABIO10021572026



**IN THE COURT OF THE II ADDL.DISTRICT & SESSIONS JUDGE,
AT BALLARI.**

PRESENT:

SRI.B.G.PRAMODA, B.A.L., LL.B,
II ADDL.DISTRICT & SESSIONS JUDGE, BALLARI

DATED THIS 06th DAY OF JUNE 2026

Crl.M.P.No:493/2026

PETITIONERS: **1)** Y.B.Seetharama S/o Y.B.Anjinappa, Aged:
A-1 and 2 65 years, Agriculturist, R/o Ward No.08,
Janatha Colony, Behind School, Andral,
Ballari.
2) K.Beerappa S/o Eranna, Aged: 36 years,
Agriculturist, R/o House No.243, Ward No.9,
Beerappa Temple Street, Andralu, Ballari.

(By Sri.Ramanna.K, Advocate)

//Vs//

RESPONDENT: The State by, the Sub-Inspector of Police,
APMC Yard Police Station, Ballari.

(By Learned Public Prosecutor)

O R D E R

1. This petition is filed by the petitioners/accused No.1
and 2 **U/Sec.482 of BNSS, 2023**, praying to grant anticipatory
bail to them in the event of their arrest in **Crime No.104/2026**
of **APMC Yard Police Station, Ballari** for the offences
punishable **U/Sec.308(2), 352, 351(2) R/w 3(5) of BNS, 2023**

pending on the file of learned 2nd Addl.Civil Judge & JMFC, Ballari.

2. It is stated in the petition that the respondent police have registered the case in Crime No.104/2026 against petitioners by alleging the commission of offences punishable **U/Sec.308(2), 352, 351(2) R/w 3(5) of BNS, 2023**, on the basis of information given by one Smt.Velagaleti Manjula W/o Velagaleti Sureshbabu. It is further stated in the petition that the petitioners are innocent and peace loving citizen and they have not committed any offences as alleged against them. The petitioners have been falsely implicated in the above said case at the instance of busybodies who are in inimical terms with the petitioners. There is inordinate delay in lodging the complaint. The incident took place on 30.04.2026 but, the present complaint came to be registered on 05.05.2026. The petitioners are the respectable persons in the society. The respondent police are making hectic efforts to arrest the petitioners. The petitioners have got strong apprehension of their arrest by respondent police. The petitioners are the permanent residents of address mentioned in the cause title and they owns movable

and immovable properties. The petitioners are ready to abide by any terms and conditions that may be imposed by the court for their enlargement on bail. The petitioners are ready and willing to offer surety to the satisfaction of the court. Hence, the petitioners have prayed to allow the petition.

3. The learned Public Prosecutor has filed the objection to the petition by opposing the grant of bail to the petitioners on the ground that the offences alleged to have been committed by the petitioners are grave in nature and against society. It is further stated in the objection that the petitioners/accused No.1 and 2 have abused the father of the informant in filthy language and insisted him to sell the house. The petitioners have threatened to take the life of the informant and her father, if they did not sold the plot. It is further stated in the objection that the case is still at the investigation stage. If the petitioners are enlarged on bail, they will abscond and they may not appear before Investigating Officer and they may hamper the investigation of the case. The petitioners may threaten the informant and other prosecution witnesses and they may try to destroy the evidence. The petitioners may commit similar offence

in future. Hence, the learned Public Prosecutor has prayed to reject the petition filed by the petitioners.

4. Heard the arguments of Learned Public Prosecutor and Learned counsel for the petitioners. Perused the petition, objection and other materials on record.

5. Having done so, the following points will arise for my consideration:

1. Whether the petitioners have made out grounds for grant of anticipatory bail to them U/Sec. 482 of BNSS, 2023?
2. What order?

6. My findings to the above points are, as under:

Point No.1:- **In the Affirmative.**

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

REASONS

7. **Point No:1:** The respondent police have registered the case in Crime No.104/2026, against the petitioners by alleging the commission of offences punishable U/Sec.308(2), 352, 351(2) R/w 3(5) of BNS, 2023, on the basis of information given by one Smt.Velagaleti Manjula W/o Velagaleti

Sureshbabu. The petitioners have produced the certified copy of FIR, complaint and other documents. The petitioners are shown as accused No.1 and 2 in the FIR.

8. It is alleged in the FIR that, the father of the informant viz, Neelikanakaiah had purchased plot No.1, Door No.358 in Survey No.13-A of Andralu village and the said house is situated in front of house of accused No.1/petitioner No.1. Petitioner No.1 has demanded Rs.3,00,000/- from the informant and her father in order to reside in the said house. When the informant told the petitioners that, she will give complaint against them, they inturn threatened the informant that, they would file atrocity case. On 28.04.2026, the petitioner No.1 came before the house of the informant in his car and abused the father of the informant in filthy language and told him to sell the house at Rs.10,00,000/- and threatened to take his life if he refused to sell the house. On 30.04.2026 at 6.30 PM, the petitioner No.1 has forcibly made the informant and her father to come to his house with the help of petitioner No.2 and demanded them to register the plot in his name and threatened to take their life if they did not sell the property to him.

9. The offences alleged against the petitioners are non-bailable in nature. As such, the petitioners have filed the present petition under the apprehension of their arrest by the respondent police. Since FIR is registered against the petitioners by alleging the commission of non-bailable offence, there is possibility of arrest of the petitioners by the respondent police during the course of investigation of the case. It is also alleged by the petitioners that after registering the case against them, the respondent police are making hectic efforts to arrest them and there is reasonable apprehension of their arrest by the respondent police.

10. The offences alleged against the petitioners are not exclusively punishable with death or imprisonment for life. The alleged offences are triable by learned Magistrate. Except the offence punishable U/Sec.308(2) of BNS, all other alleged offences are bailable in nature. The offence punishable U/Sec. 308(2) of BNS is punishable with imprisonment upto 7 years. Custodial interrogation of the petitioners is not required for further investigation of the allegations made in the information. As per the information the alleged incident was took place on

30.04.2026. Whereas the information was given on 05.05.2026. There is inordinate delay in giving the information. Whether the petitioners have committed the alleged offences on the informant and her father or not has to be adjudicated only after full fledged trial. If the petitioners are arrested by the respondent police without holding proper enquiry and without following the guidelines of the Hon'ble Supreme Court of India in Arnesh Kumar's case, the petitioners would be put to unnecessary humiliation and harassment.

11. The petitioners are ready and willing to abide by any terms and conditions that may be imposed by the court for their enlargement on bail. The petitioners are ready and willing to offer surety to the satisfaction of the court. The petitioners are also ready to co-operate with the investigation of the case. The petitioners are the permanent resident of address shown in the cause title. As such, there is no chances of petitioners absconding or fleeing from justice. The presence of the petitioners during the course of investigation may be secured by imposing suitable terms and conditions. The apprehension of

learned PP can be made good by imposing suitable terms and conditions.

12. Section 482 (1) and (2) of BNSS, 2023 provides for granting anticipatory bail. The said sections reads as follows:

482(1) : When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

13. As per the aforesaid provision, this court has got power to grant anticipatory bail if any person proves that, case is registered against him by the police by alleging the commission non-bailable offences and if he proves that, he has got reasonable apprehension of their arrest by the police for the said alleged offences. In the present case as discussed earlier the offences alleged against the petitioners are non-bailable in nature and the petitioners have shown that there is an apprehension of their arrest by the respondent police. As such, I am of the opinion that, the discretion of this court U/sec.482 of BNSS can be exercised in favour of the petitioners to grant anticipatory bail as prayed for by imposing suitable terms and conditions. Hence, the petition filed by the petitioners is deserves to be allowed. Accordingly, I answer **Point No.1 in the Affirmative.**

14. Point No.2: In-view of my findings on Point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioners/accused No.1 and 2 **U/Sec.482 of BNSS, 2023**, is hereby **allowed**.

The respondent police shall release the petitioners/accused No.1 and 2 on bail in the event of their arrest in **Crime No.104/2026** of APMC Yard Police Station, Ballari for the offences punishable **U/Sec.308(2), 352, 351(2) R/w 3(5) of BNS, 2023**, pending on the file of learned 2nd Addl.Civil Judge & JMFC, Ballari on petitioners executing personal bond for a sum of **Rs.1,00,000/-each with one surety for like-sum each** to the satisfaction of the Learned Magistrate on the following further conditions:

CONDITIONS

(1) The petitioners shall appear before the Investigating Officer within two weeks from the date of this order and they shall furnish all necessary information and documents to the Investigating Officer.

(2) The petitioners shall appear before the I.O once in fifteen days on Sunday for the period of

two months or till filing of chargesheet whichever is earlier and they shall appear before I.O. as and when called for and they shall co-operate with investigation of the case.

(3) The petitioners 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 any police officer.

(4) The petitioners shall not try to destroy evidence.

(5) The petitioners shall not leave India without prior permission of jurisdictional magistrate.

(6) The petitioners shall not commit any offence of similar or any other offence in future.

(7) Violation of any of the aforesaid terms and conditions would entitle for cancellation of bail of the petitioners.

(Dictated to the Stenographer Grade-III directly on computer, typed by her, corrected by me and then pronounced in the open court on this **06th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.