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**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 **04th** DAY OF **JUNE 2026**

Crl.M.P.No:486/2026

PETITIONERS: **1)** K.Gadeppa S/o Late.Dodda Basappa,
A-1 and 2 Aged: 43 years, Agriculturist, R/o Ward No.1,
Main Road, Near Kotturu Swamy Mutt,
Sreedhargadda Village, Ballari Taluk.

2) Smt.Mallamma W/o Dodda Basappa,
Aged: 73 years, Housewife, R/o
Sreedhargadda village, Ballari Taluk and
District.

(By Sri.Irfan., Advocate)

//Vs//

RESPONDENT: The State by, the Sub-Inspector of Police,
Women 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.73/2026** of

Women Police Station, Ballari for the offences punishable **U/Sec.85, 115(2), 352, 351(2) R/w 3(5) of BNS, 2023** pending on the file of learned 4th Addl.Civil Judge & JMFC, Ballari.

2. It is stated in the petition that the respondent police have registered the case in Crime No.73/2026 against petitioners by alleging the commission of offences punishable U/Sec.85, 115(2), 352, 351(2) R/w 3(5) of BNS, 2023, on the basis of information given by one Smt.Rajeshwari W/o Gadeppa @ Gadilingappa. It is further stated in the petition that the petitioners are innocent, law abiding citizen and they have not committed any offences as alleged against them. The allegations made in the complaint are false and concocted. The petitioners have been falsely implicated in the above said case at the instance and instigation of certain persons who are not in good cordial terms with the petitioners. 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 have not all abused the informant or not gave any physical and mental torture to her. 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 has been committed by the petitioners are grave in nature and against to society. It is further stated in the objection that the petitioners/accused No.1 and 2 have subjected the informant to mental and physical harassment as alleged in the information. 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.73/2026, against the petitioners by alleging the commission of offences punishable U/Sec.85, 115(2), 352, 351(2) R/w 3(5) of BNS, 2023, on the basis of information given by one Smt.Rajeshwari W/o Gadeppa @

Gadilingappa. 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 marriage of the informant was took place with accused No.1/Gadeppa @ Gadilingappa on 06.05.2011 at Sridharagadda village, Ballari District in the presence of elders. At the time of Marriage one and half tola gold chain and ring was given to accused No.1. After the marriage, the informant went to her matrimonial home to lead marital life. Petitioners have looked after the informant in good manner for about 6 months after her marriage with petitioner No.1. Thereafter, the petitioners have started to give physical and mental harassment to the informant by abusing her in filthy language and by beating her and by demanding money from her parental house. When the informant told her parents about the alleged harassment, they have advised the informant to adjust herself and also gave some money for family expenses. Thereafter, accused No.1/ petitioner No.1 has beaten the informant and drove her out of his house. As such, the informant came to her parental house. On 03.05.2026 at 09.30

AM, when informant was going to her work on the motorcycle of her brother, accused No.1/petitioner No.1 has wrongfully restrained her and beaten her. The brother of informant has rescued her. Again on 05.05.2026 at 10.10 PM, when the informant was taking dinner in her parental house, the accused No.1 came there and abused the informant in filthy language. Accused No.1 has beaten the informant and her father with his hands and legs and threatened to take their life if they gave complaint against him. The informant and her father sustained injuries in the said incident and took treatment at VIMS hospital, Ballari.

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. 85 of BNS, all other alleged offences are bailable in nature. The offence punishable U/Sec. 85 of BNS is punishable with imprisonment of 3 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 05.05.2026 and also prior to it. Whereas the information was given on 07.05.2026. There is delay in giving the information. Further no earlier complaint was given against the petitioners regarding the allegation of harassment as alleged in the information. Whether the petitioners have given mental and physical harassment to the informant in the manner as alleged in the information or not and whether the petitioners have committed the alleged offences on the informant 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 hardship.

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 make 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.73/2026 of Women Police Station, Ballari for the offences punishable U/Sec.85, 115(2), 352, 351(2) R/w 3(5) of BNS, 2023, pending on the file of learned 4th Addl.Civil Judge & JMFC, Ballari on petitioners executing personal bond for a sum of Rs.50,000/- 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 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 **04th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.