

KABI010021562026



**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 **05th** DAY OF **JUNE 2026**

Crl.M.P.No:492/2026

PETITIONERS: **A-1 to 3** **1)** Vamshi S/o Hanumanthappa, Aged: 23 years, R/o 6th Ward, Basha Compound, Bandimote, Ballari.

2) Uday S/o Sarwar, Aged: 23 years, R/o 5th Ward, Near APMC, Indira Nagar,, Ballari.

3) M.Rangaswamy S/o Rajanna, Aged: 26 years, R/o 7th Ward, Near APMC, Indira Nagar, Ballri.

(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 to 3 **U/Sec.483 of BNS., 2023** praying to enlarge them on bail

in **Crime No.106/2026** of **APMC Yard Police Station, Ballari** for the offences punishable **U/Sec.118(1) 109, 115(2), 352 R/w Section 3(5) of BNS, 2023**, pending on the file of learned 2nd Addl. Civil Judge and JMFC, Ballari.

2. It is stated in the petition that the respondent police have registered the case in Crime No.106/2026 against petitioners by alleging the commission of offences punishable **U/Sec.118(1) 109, 115(2), 352 R/w Section 3(5) of BNS, 2023**, on the basis of complaint given by one Praveen Kumar. It is further stated in the petition that the respondent police have arrested the petitioners on 08.05.2026 and produced before the learned 2nd Addl. Civil Judge and JMFC, Ballari and the petitioners were remanded to judicial custody. The petitioners are innocent, peace loving and law abiding citizens and have not committed the alleged offence. The entire complaint is false, concocted and registered only at the instance and instigation of busy bodies who are in inimical terms towards the petitioners. There is inordinate delay in lodging the complaint. The informant and his men have not sustained any injury and have

have not admitted in the hospital. Only for the purpose of harassing the petitioners this false case has been lodged. Though the alleged offence U/Section 109 of BNS, 2023 is non-bailable one but not punishable either with death or imprisonment for life. The petitioners are the respectable person in the society. The petitioners are the permanent resident 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 to society. It is further stated in the objection that the petitioners have abused the informant and his father-in-law and assaulted them with hands, iron rod and clubs and attempted to murder them. 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 have 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/accused No.1 to 3 have made out grounds to granting the bail
U/s 483 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.106/2026, against the petitioners by alleging the commission of offences punishable **U/Sec.118(1) 109, 115(2), 352 R/w Section 3(5) of BNS, 2023**, on the basis of information given by one Praveen Kumar. The said police after registering the case have started the investigation. During the course of investigation, the respondent police have arrested the petitioners on 08.05.2026 and produced them before the learned Magistrate. The learned magistrate has remanded the petitioners to judicial custody. Now the petitioners are in judicial custody and as such the petitioners have filed the present petition praying to enlarge them on bail on the ground that, they are innocent and they have not committed the alleged offences on the informant and they have been falsely implicated in the case. The petitioners have produced the certified copy of FIR, complaint, remand application and other documents. The petitioners are shown as accused No.1 to 3 in the FIR and remand application.

8. It is alleged in the FIR that, on 07.05.2026 at 10.00 PM, the father-in-law of informant viz., Dhanunjaya and his friend Suresh were sitting near Sadiq Fruit Shop. At that time, the accused/petitioners have come there and questioned the father-in-law of the informant about why they were sitting in the said place. The father-in-law of the informant has replied that, they are from Gummanur village. The accused/petitioners have abused their father-in-law of the informant in filthy language by telling that, they are local persons. The petitioners have kicked the father-in-law of the informant with legs. They have assaulted on the head of father-in-law of the informant with iron rod with intention to kill him. When the informant went to rescue his father in law, the accused have beaten him with club on the left side of his head.

9. The offences alleged against the petitioners are not exclusively punishable with death or imprisonment for life. The petitioners have produced copy of discharge summary of the father-in-law of the informant. He was admitted on 08.05.2026 and he was discharged from hospital on 09.05.2026. There is no

danger to the life of the informant and his father-in-law. In the I.O. report submitted along with objection, it is mentioned that, after registering the FIR, Spot mahazar was conducted and iron rod, clubs were seized. Further, statements of witnesses was recorded. Further, accused were also arrested. Custodial interrogation of the petitioners is not required for further investigation of the case. Whether the petitioners have committed the alleged offences on the informant and his father-in-law or not has to be adjudicated only after full fledged trial.

10. The Hon'ble Supreme Court of India in the landmark judgment in State of Rajasthan versus Balchand @ Baliay reported in AIR 1977 Page 2447 have laid down the legal doctrine that "bail is a rule and jail is an exception". The said doctrine was laid down by the Hon'ble Supreme Court of India to uphold the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. There should be an exceptional reasons to keep the petitioners in judicial custody. In the objection statement or in the I.O. report no exceptional

reasons are shown as to why the custody of the petitioners is required for further investigation of the case.

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 the permanent resident of address shown in the cause title. The apprehension of learned PP can be made good by imposing suitable terms and conditions. The presence of the petitioners during the course of investigation of the case can be secured by imposing suitable terms and conditions. The petitioners are in judicial custody since the date of their arrest. Hence, by considering all the aforesaid facts and circumstances and by considering the fact that the petitioners are ready and willing to abide by any terms and conditions imposed by the Court for their enlargement on bail and they are ready to furnish surety to the satisfaction of the Court for their enlargement on bail, I am of the opinion that, the discretion of this Court can be exercised in favour of the petitioners to enlarge them on bail 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.**

12. 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 to 3 U/Sec.483 of BNSS, 2023 **is hereby allowed.**

The petitioners/accused No.1 to 3 are enlarged on bail in **Crime No.106/2026** on petitioners furnishing his personal bond for **Rs.1,00,000/- each** and on furnishing **one surety** for like-sum each with the following further conditions:

: CONDITIONS :

(1) The petitioners shall regularly appear before the Court on all hearing dates without fail.

(2) The petitioners shall appear before the Investigating Officer once in fifteen days on Sunday for the period of two months or till the date of filing the charge sheet whichever earlier and they shall appeared 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 them from disclosing such facts to the court or any police officer.

(4) The petitioners shall not leave India without prior permission of the Court.

(5) The petitioners shall not commit any offences of similar or any other offences in future.

(6) 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 **05th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.