

KABIO10025132026



**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 23rd DAY OF JULY 2026

S.C.No:71/2026

PETITIONER:
Accused 8.

Nagaraj.H.M. @ Nagaraj S/o Honnurappa,
Aged: 43 years, Labour R/o Roopanagudi
Road, Near Varabasappa Temple, Ballari.

By Sri.Nasiruddin.B.K. LADC., Ballari.)

//Vs//

RESPONDENT: 1. The State by, the Sub-Inspector of Police,
Gandhi Nagar Police Station, Ballari.

(By Learned Public Prosecutor)

O R D E R

1. This application is filed by the accused **U/Sec.483**
of BNSS 2023, praying to grant bail to him in the aforesaid
case.

2. It is stated in the application that the complainant police have filed false charge sheet against accused. Accused is in custody since 23.03.2026. The accused is innocent and law abiding citizen. He has been falsely implicated in the case. He has not committed the alleged offences. Accused is the permanent resident of Ballari. He owns movable and immovable properties. He has no bad antecedents. The accused is ready to abide by any terms and conditions that may be imposed by the court for his enlargement on bail. The accused is ready and willing to offer surety to the satisfaction of the court. Hence, the accused has prayed to allow the petition.

3. The learned Public Prosecutor has filed the objection to the application by opposing the grant of bail to the accused on the ground that the offences alleged to have been committed by the accused are grave in nature and against to society. It is further stated in the objection that the accused has attempted to murder the informant and abused the informant and his brother and gave life threat to them. The respondent police have filed

charge sheet against the accused. If the accused is enlarged on bail he will commit similar offences and he will abscond and he will threaten the prosecution witnesses. Hence, the learned Public Prosecutor has prayed to reject the application filed by the accused.

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

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

1. Whether bail application filed by the accused U/Section 483 of BNSS, 2023 is deserves to be allowed?
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: Accused has filed the present bail application praying to enlarge him on bail in the aforesaid case. It is to be noted here that, Police Inspector, Gandhinagar police station had filed charge sheet against the accused before learned Prl. Civil Judge and JMFC, Ballari by alleging the commission of offences punishable U/Section 109, 118(1), 351(2), 351(3) and 352 of BNS, 2023. The learned Magistrate took cognizance for the said offences against the accused and registered criminal case bearing CC.No.1653/2026. Accused was arrested by the complainant police during crime stage. Since the offence U/Section 109 of BNS, 2023 is exclusively triable by Sessions Court, trial Court has committed the case to this Court.

8. At the time of committal of the case, accused is in judicial custody. After registering SC.71/2026 against the accused, intimation was issued to jail authority to produce accused before this Court. Accused was produced before the Court and Sri.NBK., advocate has appeared on behalf of accused and filed bail application praying to enlarge him on bail by

contending that, accused is innocent and he has not committed the alleged offences and he has been falsely implicated in the present case. The learned PP has filed objection opposing the grant of bail to the accused. The offences alleged against the accused are not exclusively punishable with death or imprisonment for life. Except the offence punishable U/Section 109 of BNS, 2023 the other alleged offences are bailable in nature. The complainant police have already completed investigation of the case and charge sheet is already filed against the accused. As such custodial interrogation of accused is not required for the purpose of investigation of any other purpose. There is no danger to the life of the injured. The main allegation made against the accused in the charge sheet is that when accused has attempted to stab CW.2, CW.1 came across to rescue CW.2. At that time, accused has attempted to stab with knife on the chest of CW.1. CW.1 brought his left hand across to avoid the blow and as such he had sustained injury on his left hand. As per the wound certificate the injury sustained by CW.1 are simple in nature. Whether the accused has committed the alleged offences on CW.1 and 2 on the date, place and time as

alleged in the charge sheet or not has to be adjudicated only after full fledged trial.

9. The Hon'ble Supreme Court of India in the landmark judgment in State of Rajasthan versus Balchand @ Baliy reported in **AIR 1977 Page 2447** and in many other cases has 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 exceptional reasons to keep the petitioners in judicial custody. In the objection statement, no exceptional reasons are shown regarding why the custodial interrogation of the accused is required for further investigation of the case.

10. The accused is ready and willing to abide by any terms and conditions that may be imposed by the court for his enlargement on bail. The accused is ready and willing to offer surety to the satisfaction of the court. The accused is 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 accused during the course of trial of the case can be secured by imposing suitable terms and conditions. The accused is in judicial custody since the date of his arrest. Hence, by considering all the aforesaid facts and circumstances and by considering the fact that the accused is ready and willing to abide by any terms and conditions imposed by the Court for his enlargement on bail and he is ready to furnish surety to the satisfaction of the Court for his enlargement on bail, I am of the opinion that the accused can be enlarged on bail by imposing suitable terms and conditions. Hence, the application filed by the accused is deserves to be allowed. Accordingly, I answer **Point No.1 in the Affirmative.**

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

ORDER

The application filed by the accused U/Sec.483 of BNSS 2023, **is hereby allowed.**

The accused is enlarged on bail on accused furnishing personal bond for Rs.50,000/- and one

surety for like sum with following further conditions:

CONDITIONS

(1) The accused shall appear before the Court regularly on all the hearing dates.

(2) The accused 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 or any hamper with the evidence.

(3) The accused shall not try to destroy evidence.

(4) The accused shall not leave India without prior permission of jurisdictional magistrate.

(5) The accused shall not commit any offence of similar or any other offence in future.

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

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open court on this **23rd day of July 2026.**)

(B.G.Pramoda)

II.Addl.District & Sessions Judge,
Ballari.