

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

**PRESENT: GUDI VASUDEV RADHAKANT,
B.Com., LL.M.,**

**III ADDL. DISTRICT & SESSIONS JUDGE BALLARI AND
I/c. II ADDL. DISTRICT & SESSIONS JUDGE BALLARI**

DATED THIS THE 09th DAY OF JULY, 2026

CRL.MISC.No. 690/2026

**Petitioner/
Accused :** Nawaj S/o. Late Niyaz, aged 23 years, R/o.
Bandimote, Basha Compound, near Makhan,
Ballari.

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

//Vs.//

Respondent: The State by Assistant Sub Inspector, APMC
Yard Police Station, Ballari.

(By Learned Public Prosecutor)

ORDERS

This petition is filed by petitioner/accused U/Sec.483 of Bharatiya Nagarika Suraksha Sanhita, 2023 seeking regular bail in Crime No.116/2026 registered by APMC Yard Police Station, Ballari for the offences punishable U/Sec.109, 118(1), 351(2), 352 of Bharathiya Nyaya Sanhitha, 2023.

2. The brief facts of the petition are that on 16.05.2026 at 01.00 p.m. when the information was standing near Sanje Vani Newspaper Office at Lorry Terminal of Andral village, abruptly

accused came there and suddenly attacked the informant with the tester screwdriver and stabbed in the left eye, back, head. He twisted the leg of the informant, voluntarily caused hurt. Accused has tried to commit the murder of the informant, abused in filthy language as "*Soolemagane*". Gathered people have rescued the informant from the quarrel. Informant was admitted to Ballari Trauma Care Hospital, took treatment therein and afterwards lodged First Information Statement for the above stated offences.

3. Accused has filed the present petition on grounds that he is innocent, peace loving citizen and he has not committed any offences as alleged by the informant. Informant has conveniently narrated the false facts, which is a result of concoction and introduction of afterthought version. He has been falsely implicated in the case. Though the alleged offences are non-bailable, not exclusively punishable with death or imprisonment for life. He is ready to abide by any conditions that may be imposed by the Court. He will not tamper with the witnesses of Prosecution and also will not abscond from jurisdiction of the Court. Hence, prayed to grant bail in the interest of justice.

4. Learned Public Prosecutor has filed objections along with I.O. Report *inter alia* denying the entire contents of the petition. It is contended that there are no bonafide grounds to grant the

bail. Accused has assaulted the first informant with an intention to commit his murder, caused hurt to him, abused him in filthy language and gave life threats and thereby committed the heinous offences. Still investigation is under progress. If accused is released on bail, he may pose threat to the prosecution witnesses, commit similar offences and may not co-operate for investigation. Therefore, prayed to reject the petition.

5. Heard the arguments of learned counsel for the petitioner/accused and learned Public Prosecutor for the State.

6. The Points that arise for consideration are :

1. Whether the petitioner/accused is entitled for regular bail?

2. What order ?

7. My answer to the above points are ;

Point No.1 In the Affirmative

Point No.2 As per final for the following:

REASONS

8. **POINT NO.1:-** At the outset, it is necessary to cull out the principles governing the grant of bail. While considering an application for grant of bail in a suitable case, the court must

consider the settled factors, which emerge from the precedents of higher echelons of judiciary. These factors can be summarized as follows:-

- 1) The nature of alleged offence, the nature of accusation and the severity of the punishment in the case of conviction.
- 2) Whether there exists a reasonable apprehension of the accused tampering with the witnesses or being a threat to the complainant or the witnesses.
- 3) Possibility of securing the presence of accused at the trial or likelihood of the accused fleeing from the justice.
- 4) Antecedents of circumstances, which are peculiar to the accused.
- 5) Whether prima-facie the ingredients of the offences can be made out on the basis of allegations as they stand in the FIR or Charge Sheet and the significant interest of the public or the State and other similar considerations.

9. Keeping these principles in mind, let me proceed to decide the present petition.

10. Now turning to the factual scenario of the present case as can be discernible from the records of the case, APMC Yard Police have registered the case against accused for the offences punishable U/Sec.109, 118(1), 351(2), 352 of Bharathiya Nyaya Sanhitha, 2023. It is the accusation made by the prosecution that accused has picked up quarrel with the informant, abused him in filthy language, assaulted him, gave life threats to him, tried to commit his murder, voluntarily caused hurt to him and thereby committed the alleged offences.

11. The alleged offences even though are non-bailable in nature, but not punishable with death or imprisonment for life. In respect of offence punishable under Section 109 of BNS, 2023, though it is punishable with imprisonment for life, but not with the death penalty. Records further reveal that the informant is discharged from the hospital on 16.05.2026 against medical advice. Therefore, conversion of the said offence into capital offence is ruled out at this juncture. As per the decision of Hon'ble High Court of Karnataka reported in **2017(1) AKR 244 (Laxman Adappa @ Durgappa Tappaladoddi and others v/s. State of Karnataka)** wherein it is held that if the injured has been discharged, anticipatory bail can be granted in respect of offence punishable under Section 307 of Indian Penal Code. Same analogy applies here.

12. In addition to this it is also clearly well settled legal principle that, granting of bail is a rule and rejection is an exception, considering the involvement of personal liberty of accused. Having regard to the fact that the informant is already discharged from the hospital, call for granting bail to accused. Apprehensions of the prosecution can be meted out by imposing reasonable conditions.

13. As per the decision of Hon'ble Supreme Court of India in catena of decisions, mere grant of bail does not prevent the investigating agency to proceed with the investigation and to interrogate the accused if necessary. The bail order will not come in the way of the investigating agency to proceed with the investigation as per law. Even otherwise investigation can be proceeded without detaining the accused in custody.

14. In the present petition, accused has undertaken that he will not tamper with the prosecution witnesses. Considering all these aspects and totality of the circumstances, I am of the opinion that accused is entitled for bail subject to reasonable conditions, as keeping him in custody amounts to pre-trial conviction. Hence, I answer the Point No.1 in the Affirmative.

15. **Point No.2** :- In the result, I proceed to pass the following :

ORDER

Petition filed on behalf of petitioner/accused U/Sec.483 of Bharatiya Nagarika Suraksha Sanhita, 2023 is hereby allowed.

Petitioner/accused in Crime No.116/2026 registered by APMC Yard Police Station, Ballari for the offences punishable U/Sec.109, 118(1), 351(2), 352 of Bharathiya Nyaya Sanhitha, 2023 shall be released on bail on execution of personal bond for Rs.1,00,000/- along with one surety for like-sum to the satisfaction of the committal Court subject to following conditions:

1. Petitioner shall mark his attendance before the concerned Police Station on every Thursday once in fortnight between 10.00 a.m and 05.00 p.m, till expiry of 90 days or till filing of the final report, whichever is earlier.
2. He shall appear before the Investigating Officer for the purpose of investigation/interrogation as and when called for the purpose of investigation.
3. He shall not involve in any criminal activities.
4. He shall not directly or indirectly make any inducement, thereat or promise to any

witnesses acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any Police Officer.

5. He shall not obstruct or hamper the Police investigation and not to play mischief with the evidence collected or yet to be collected by the Police.

6. He shall regularly remain present during the trial and co-operate with the court to complete the trial for the above said offences.

7. He shall not leave India without prior permission of the trial Court/Committal Court.

If breach of any of the above conditions is committed, the prosecution is at liberty to seek for cancellation of anticipatory bail.

(Dictated to Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open Court on this **09th day of July 2026**).

(GUDI VASUDEV RADHAKANT)
I/c. II ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI.