

KABR010011922026



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.**

Dated this the 25th day of March, 2026.

PRESENT:

Smt. B.S. Rekha, B.A.(LAW), LL.M.,
Principal District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

Crl.Misc.No.445/2026

Petitioner : Sri Gajendra R @ Gaja,
S/o Raju,
Aged about 28 years,
R/at Siddalingappa Layout,
Near Muneshwara Temple,
Viewers Colony,
Gottigere Post,
Bengaluru 560 083.

*Represented by
Sri K.N.Narayanaswamy-Advocate.*

V/s.

Respondent : State of Karnataka by
Kaggalipura Police Station.

*Represented by
learned Public Prosecutor.*

ORDER

The learned counsel for petitioner has filed this petition U/S.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter called as BNSS, 2023 for convenience) praying for release of petitioner on regular bail in Crime No.61/2026 of Kaggalipura Police Station, Bengaluru Rural District for the offences punishable under Ss.109(1), 115(2), 189(2)&(4), 117(2), 352 r/w 190 of Bharatiya Nyaya Sanhita, 2023 (hereinafter called as BNS, 2023 for convenience) on the file of learned II ACJM, Bengaluru Rural District, Bengaluru.

2. The facts of complaint are narrated in detail in the bail petition. It is further stated in the bail petition that the petitioner is innocent of the alleged offences and has been falsely implicated in the case. It is a petty quarrel between the complainant and accused No.1 and others and there is no any previous enmity between the petitioner and the complainant and also

the injured person is treated and he is out of danger. The petitioner was not holding any deadly weapon and not caused any bleeding injury to the complainant. As per the remand application, injured was already out of danger. His wife has delivered a baby and he is the only person to look after her being a husband. Further, he has got old aged parents and that he is the only bread earner of the family. If he is not enlarged on bail, his family will come to streets. The investigation is almost completed and IO filed remand application before the jurisdictional Magistrate and hence custodial interrogation is no more required. He is ready and willing to offer surety and also ready to abide by the terms and conditions that may be imposed by this Court. Hence, prayed for allowing the petition.

3. The Learned Public Prosecutor has filed objections to the petition, wherein she has narrated the entire facts of the case in short and contended

that already investigation is commenced. The Investigating Officer has apprehended the accused and recorded his voluntary statement. The investigation of the case is in progress. The statements of the material witnesses is yet to be recorded. The seized articles are to be sent to FSL. The offence committed by the petitioner is heinous in nature. The accused No.1 & 2 are the habitual offenders. Criminal cases are registered against the accused No.2/petitioner at Begur Police station in Crime No.250/2018 for the offence punishable U/S.397 of IPC; Crime No.284/2018 registered at Bommanahalli police station for the offences punishable U/S.364(2), 395 IPC r/w S.25(1), 227 of the Arms Act and a case in Crime No.107/2016 at Bannerghatta police station for the offence punishable U/S.395 of IPC. If petitioner is granted with regular bail, there is every chance of abscondance, tampering with the witnesses, hampering the investigation and committing similar

offences. Hence, prayed for rejection of bail petition. IO report is attested, along with objections.

4. Heard arguments.

5. From the above facts, the points that arise for consideration are:-

1. *Whether the petitioner is entitled for regular bail?*

2. *What order?*

6. Findings of this Court on the above points are as under:-

Point No.1: ***In Negative;***

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

REASONS

7. **Point No.1**:- On 22.02.2026, at about 2.30 p.m., the statement of complainant-Raffel Anthoni, was recorded before Dr. Arnold Anshuman Alphonse, which is registered in Crime No.61/2026 alleging the offences

punishable under Ss.109(1), 115(2), 189(2) & (4), 117(2), 352 r/w 190 of BNS, 2023.

8. It is stated in the complaint that the complainant is an electrician residing in Taralu Village and on 21.02.2026 at about 4.30 p.m., while he was returning home on his Suzuki Access scooter bearing Reg. No.KA-05-KR-1455, he saw near a single hut at Balikere, close to a poultry farm gate the accused Anthony Suman, petitioner and 3-4 other unidentified individuals assaulting an unknown person with sticks and knives; when he asked them to stop and leave the stranger alone, the group turned their aggression toward him and one of the accused blew cigarette smoke into his face and insulted him in filthy language; Suman, petitioner along with others, assaulted him with a Long and a knife; when he tried to flee, they chased him down and struck his left hand and back and during the scuffle, he was kicked into a 10 foot

deep ditch. He landed on rocks, resulting in a fractured left elbow and left thigh bone, at that time, one Vishal and his brother arrived at the scene and by seeing them, the accused fled away and then he was taken to St. John's Hospital in Kaggaliapura for treatment. Hence prayed to take action against accused.

9. The aforesaid facts alleged in the complaint *prima-facie* reveal the offences punishable U/Ss.109(1), 115(2), 189(2) & (4), 117(2), 352 r/w 190 of BNS, 2023. Amongst them, offence U/S.109(1) is non-bailable in nature and is triable by the court of Sessions.

10. As per the petition, based on this complaint, petitioner who is accused was arrested on 23.02.2026 and produced before learned II ACJM, Bengaluru Rural District, Bengaluru and then, he was remanded to judicial custody and now, petitioner is in judicial custody.

11. It is in the objection of the learned PP and in the IO report that the petitioner is a habitual offender and that criminal cases are registered against him at Begur Police station in Crime No.250/2018 for the offence punishable U/S.397 of IPC; Crime No.284/2018 registered at Bommanahalli police station for the offences punishable U/S.364(2), 395 IPC r/w S.25(1), 227 of the Arms Act and a case in Crime No.107/2016 at Bannerghatta police station for the offence punishable U/S.395 of IPC. Hence, recording evidence of material witnesses is very important. Moreover, the offences alleged against the petitioner is heinous in nature and now, at present, the bail petition filed by the petitioner cannot be considered.

12. Though the learned counsel for the petitioner has produced a medical certificate said to be of the wife of the petitioner, but it does not reflect anywhere that Mrs. Kalavathi K is the wife of the petitioner.

Moreover, in the case of present nature, the same cannot be accepted as a ground to consider bail.

13. Under these circumstances, the apprehension of learned PP that if accused is released on bail before investigation and before completion of the evidence of material witnesses, there is every chance of he threatening and tampering the witnesses cannot be ruled out at this juncture.

14. Even though the 'bail is the rule and jail is an exception', in the case of present nature where the alleged offences are heinous in nature and affects the society at large; when the learned PP expressed apprehension of abscondence of petitioner, tampering and threatening prosecution witnesses, this Court holds that petitioner is not entitled for bail at this stage. Accordingly, Point No.1 is answered in **Negative**.

15. **Point No.2:-** In view of findings on point No.1, this Court proceeds to pass the following:-

ORDER

The bail petition filed by the petitioner under Section 483 of BNSS, 2023 is hereby **dismissed.**

(Dictated to the Stenographer Grade-I, transcribed and typed by him, corrected, print out taken, signed and pronounced by me in the open Court on this the 25th day of March, 2026)

(B.S. REKHA)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.