

KABR010025472026



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

Dated this the 09th day of June, 2026.

PRESENT:

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

Crl.Misc.No.1085/2026

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.

O R D E R

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 C.C.No.4788/2026 (arising out of Crime No.61/2026) of Kaggalipura Police Station, Bengaluru Rural District for the offences punishable under Ss.109(1), 115(2), 117(2), 189(2)&(4), 351(2), 352, 118(1), 126(2) 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.

2.1. 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. The entire

case of the prosecution and complaint it clearly indicates that there is no intention and motive to the petitioner, but 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.

2.2. Earlier during crime stage, the petitioner had filed similar bail application before this Court in Crl.Misc.No.445/2026 and it was rejected on 25.03.2026. but, now the investigation is completed and charge-sheet is filed. Hence, under changed circumstances, he has filed this petition for grant of bail. This Court had granted bail to accused No.4 in Crl. Misc. No.831/2026 on 02.05.2026. As the allegations made against the accused No.4 and the

petitioner are one and the same, the principle of parity also applicable to this petitioner.

2.3. It is stated that as per the charge-sheet, injured is out of danger. As per the statement of complainant, he fell down in the well and hence, the ingredients of Section 109 of BNS is not applicable. Further, the petitioner has stated about the paramount considerations required to be taken at the time of considering the bail application.

2.4. He has stated that his wife delivered a baby and he is the only person to look after her being a husband. He has old parents to be looked after and that he is the bread winner of his family. He does not have any criminal background. As investigation is completed and charge-sheet is filed, his further custodial interrogation is no more required for further investigation.

2.5. He is permanent resident of the petition cause title address and is ready and willing to offer surety to the satisfaction of the Court and also ready to abide by any 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 charge-sheet and other documents pertaining to this case be treated as objections to this petition. As the accused was present at the spot of incident as per the statement of witnesses, bail shall not be granted to the petitioner. 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.

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 Affirmative;***

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

REASONS

7. **Point No.1:-** The Police Sub-Inspector, Kaggalipura police station has filed charge-sheet against the accused persons alleging the offences punishable under Ss.109(1), 115(2), 117(2), 189(2)&(4), 351(2), 352, 118(1), 126(2) r/w 190 of BNS, 2023.

8. The case of prosecution is that on 21.01.2026, near the bank of Doddakere in Tattakere, Uttarahalli Hobli, Bengaluru South Taluk, the accused No.1 to 4 along with a juvenile in conflict with the law, harboring an old enmity with C.W.2, formed an unlawful assembly with the intention to commit murder; accused No.1 and 2 took turns one after the other to assault C.W.2 on the head with a knife; following this, the accused No.3 and 4 took turns one after the other to assault C.W.2 on the head, body and hands with a wooden club; while the accused No.5 assaulted C.W.2 with his hands and when C.W.2 screamed loudly for help at about 4:30 P.M; C.W.1 intervened and tried to pacify the quarrel, at that time, the accused No.1 & 2 abused C.W.1 in filthy/abusive language and held C.W.1, pushed him, and engaged in a physical altercation and with the intention to murder, accused No.1 brandished a long machete (long), accused No.2 brandished a chopper

(machchu) and accused No.3 brandished a dagger/knife (churi) and when C.W.1 tried to escape and run away, the accused No.1 to 3 cornered him, brandished the long machete, chopper and dagger and swung them at C.W.1, assaulting him on his left side and back and threatened him with dire consequences and forcefully kicked C.W.1 with their legs, pushing him approximately 20 feet deep, due to which C.W.1 sustained severe injuries to the left hand and left leg and thereby the accused committed the aforesaid offences.

9. Initially, the case is registered against the accused persons for the offences punishable U/Ss.109(1), 115(2), 189(2) & (4), 117(2), 352 r/w 190 of BNS, 2023. At the time of filing charge-sheet, Sections 118(1), 126(2) and 351(2) of BNS, 2023 were inserted against the accused persons, based on the investigation. Amongst them, offence U/S.109(1) &

118(1) are non-bailable in nature. Further, the offence punishable U/S.109(1) of BNS, 2023 is triable by the court of Sessions.

10. As per the petition, based on this complaint, petitioner who is accused No.2 was arrested on 23.02.2026 and produced before jurisdictional Magistrate and then, he was remanded to judicial custody and now, petitioner is in judicial custody. Further, it is pertinent to mention here that the bail petition filed by the petitioner in Crl.Misc. No.445/2026 was dismissed by this Court during crime stage on the ground that cases are registered against him, other than the instant petition and that the offences alleged are heinous in nature. However, the petitioner has produced the 'wound certificate of C.W.2, wherein it is mentioned that the injuries are simple in nature. Whereas, the injuries mentioned in the 'wound certificate' of C.W.1 is grievous in nature. It is stated

in the petition that the injured is out of danger. There are no documents to show that the injured sustained very severe injuries.

11. On perusal of the records, this Court has granted regular bail to accused No.4 in Crl. Misc.831/2026. As similar allegations are made against the petitioner, the petitioner is entitle for bail on the ground of parity.

12. As already investigation is completed, charge-sheet is filed and that the petitioner is in judicial custody since from the date of his arrest, his custodial interrogation is not required.

13. However, the apprehension of learned Public Prosecutor that if petitioner is released on bail, there is every chance of he tampering the prosecution witnesses; there is every chance of abscondance from the proceedings and also causing disappearance of

evidence could be safeguarded by imposing suitable conditions. Accordingly, the point No.1 is answered in ***Affirmative***.

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

ORDER

The bail petition filed under Section 483 of BNSS, 2023, is hereby ***allowed***.

The petitioner is released on bail in Kaggalipura Police Station, Bengaluru Rural District in C.C. No.4788/2026 (arising out of Crime No.61/2026) for the offences punishable U/Ss.109(1), 115(2), 117(2), 189(2)&(4), 351(2), 352, 118(1), 126(2) r/w 190 of BNS, 2023 on he executing self-bond for a sum of ₹.1,00,000/- with one surety for like sum with following conditions:

1. The petitioner shall not tamper with any of the prosecution witnesses either directly or indirectly;
2. He shall not commit similar offences;

3. He shall appear before the Court regularly without fail till completion of trial without exception.
4. The surety is directed to produce his I.D, address proof documents and title deeds of the property before the Court.

If any of these conditions are violated, then, the bail bond will be automatically cancelled.

(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 09th day of June, 2026)

(B.S. REKHA)

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