

**IN THE COURT OF VI ADDL. DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL
DISTRICT, BENGALURU.**

Dated this the 23rd day of June 2026

PRESENT

Sri. Devananda B.Com., LL.M.
VI Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Crl.Misc.No.1147/2026

Petitioner : Sri. Rathan D,
S/o Dhananjay,
Aged about 29 years,
R/a Gangondanahalli village,
Dasanapura Hobli,
Bengaluru Rural District.

**(By Sri. Parameshwar S P-
Advocate)**

-Vs-

Respondent: State by Madanayakanahalli
Police Station.

(By Public Prosecutor)

ORDER

This petition is filed by the petitioner/accused U/s.483 of BNS. seeking his release on bail in Cr.No.548/2026 registered by the respondent-Police for the offence punishable U/s 109 r/w 3(5) of BNS.

2. It is alleged in the complaint that, on May 24, 2026, at 10:30 AM, the complainant arrived at the police station to file a complaint. The incident occurred on May 23, 2026, at approximately 9:20 PM. near the complainant's house in Bailakonanahalli Village. The complainant was standing near their house, talking to relatives named Ashwath and Nagaraj. Two individuals from Gangondanahalli, named Rathan and Anil, approached the group and suddenly started an altercation with Nagaraj. When the complainant and Ashwath stepped in to defuse the fight, Rathan pulled out a dragger-like knife and attempted to stab the complainant. As the complainant tried to run away in fear, Rathan stabbed them in the back with the dragger, causing a bleeding injury, in an attempt to murder them. The complainant's relative, Nagaraj, rushed them to Adarsha Hospital near

Madanayakanahalli for medical treatment. After receiving treatment, the complainant went to the police station to lodge an official complaint. The complainant requested legal action against Rathan and Anil for picking a fight without reason and attempting murder by stabbing them with a dragger. An investigation has been initiated.

3. Now, the petitioner/accused who alleged to has committed the offences stated supra, seeking for his release on bail, on following amongst other grounds:

The complaint and FIR lack specific allegations or material implicating the petitioner in the offence. Even if accepted in full, the complaint discloses no overt act, assault, instigation or aiding by the petitioner. The specific act of assaulting the complainant with a knife is attributed solely to Accused No.1 (Rathan). The only allegation against the petitioner is that he accompanied Accused No.1 to the scene. Mere presence without criminal intention or active participation does not satisfy the ingredients of Section 109 of the Bharatiya Nyaya Sanhita. No weapon

or material recovery needs to be effected from the petitioner, as the weapon is explicitly linked to Accused No.1. The petitioner claims complete innocence, a clean record with no prior criminal antecedents and alleges that the complainant filed a false case with ulterior motives. The petitioner has already been apprehended, produced before the court, and remanded to judicial custody. Because the investigation is substantially complete, further custodial interrogation is unnecessary. The petitioner is the sole breadwinner and his continued incarceration causes financial distress and severe hardship to his family. The petitioner's wife suffers from chronic brain and neurological complications, making her unable to manage daily affairs independently. On April 30, 2026, his minor daughter experienced a severe onset of similar neurological complications and requires an urgent MRI brain scan at Manav Charitable Hospital, Jindal. The petitioner's presence is vital for their care and supervision. The petitioner is a peace-loving, permanent resident with a respectable family standing; continued detention will irreparably damage his reputation. The petitioner is

willing to provide solvent sureties and comply with any bail conditions. He formally undertakes to cooperate with the trial, attend all hearings, and promises not to tamper with prosecution witnesses, interfere with the investigation, or flee from justice. Based on the aforesaid grounds, he seeks for grant of regular bail by preferring the aforesaid petition and prays for allowing of the petition.

4. The bail petition was opposed by the learned Public Prosecutor for state by filing his objections. The reasons provided by the applicant in the bail application are not justifiable and are denied by the prosecution. If released on bail, there is a high probability that the applicant will threaten and intimidate the complainant and witnesses to prevent them from testifying in court. The applicant may also destroy prosecution evidence. There is a possibility that the applicant will go into hiding (abscond). Furthermore, there is a high likelihood that they will engage in similar criminal activities again. The case involves the accused executing a life-threatening assault with a knife on the victim, Vijayakumar. If released on

bail, there is a serious threat that the accused might attack the victim again and murder him. Information regarding whether the accused is involved in any other criminal cases is still being gathered. The prosecution requests the Hon'ble Court to consider specific guidelines and criteria laid down by the Hon'ble Supreme Court and High Courts when hearing anticipatory bail applications for serious offenses. On May 24, 2026, officials visited the crime scene along with Forensic Science Laboratory (FSL) SOCO officers and witnesses (panchas). Another victim in the case, Ganesh, pointed out the scene. A knife used in the crime—measuring 27x3 inches with suspected bloodstains—was recovered from the bushes along the roadside near the spot. The weapon was seized under Station Property List (Maalu Patti) No. 179/2026, and a spot mahazar (panchanama) was conducted in the presence of witnesses.

5. Heard arguments of both sides.

6. The following points that arise for consideration of this court are:

1. Whether the petitioner has made out sufficient grounds for grant of bail?

2. What order?

7. The findings of this court on the above said points are as under:

Point No.1: In the Affirmative

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

REASONS

8. POINT NO.1: The petitioner along with petition has produced the certified copies of FIR, Information, final report along with annexures.

9. Examined the materials placed by the petitioner through his counsel. Verified the facts pertaining to alleged incident involved in the case on hand. Examined the available prosecution materials placed before the court by the investigating agency through the prosecution and the petitioner.

10. On examination of the overall materials placed

before the court by prosecution, it could be ascertained that the offenses alleged against the accused are not punishable with life imprisonment or death. Further there are no previous criminal antecedents against accused petitioner. The injured is not under treatment at any hospital till date. After obtaining treatment he had been to police station and has lodged the complaint. There is no life threat or danger to the life of complainant. The accused/petitioner already arrested by concerned police and he is in prison from the time of his arrest. At his instance most of the investigation was already completed. There is no further requirement of him by the concerned police for the purpose of investigation. The chances of absconding of this accused/petitioner are less. The chances of causing interference and causing threat to the complainant or repeating of similar offence against complainant appears to be less. The chances of destroying the evidence or proof of prosecution appears to be less. The accused is the permanent resident of the address mentioned in the cause title. Hence, for the aforesaid reasons this court is of the opinion that the accused has

made out some of the grounds to allow the petition. However, in respect of apprehension expressed by the prosecution imposing of one of the conditions to furnish cash security amount of Rs.1,00,000/- along with other conditions will fulfill the object under the facts and circumstances of this case. Hence, this court hereby answer the Point No.1 in the **Affirmative**.

11. **Point No.2:** In view of the above said discussions and findings of this court on the above said point no.1 which held in the Affirmative, this court proceed to pass the following:

ORDER

The petition filed by the accused/petitioner U/Sec.483 of BNSS is hereby allowed.

Consequently, the accused/petitioner, is ordered to be released on bail in Cr.No.548/2026 of Madanayakanahalli Police Station on him executing the personal bond for the sum of Rs.1,00,000/- and shall furnish a surety for the like sum to the satisfaction of the

court with cash security of Rs.1,00,000/- to be deposited by accused/petitioner before the office of this court subject to the conditions that:

1) The petitioner shall appear before the Investigating officer as and when required and extend his fullest co-operation in the investigation.

2) He shall not give threat to the prosecution witnesses in any manner.

3) He shall appear before the court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.

4) He shall not indulge in similar offences in any manner whatsoever.

(Dictated to the Stenographer Grade-I, transcribed by her and transcript, corrected by me and then pronounced in open Court on this the **23rd day of June, 2026**)

(DEVANANDA)

VI Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Order pronounced in open court vide separate order for the following:

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