

KABR010026202026



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

Present:

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

Dated this the 22nd day of June, 2026

Criminal Misc.No.1124/2026

Petitioner: Kiran, A.2
S/o Mohan,
Aged about 23 years,
R/at: C/o Jagadish,
Tare Zameer Nilaya,
Sampige Road, Batavadi,
Tumakuru District.

(By Sri. Anil Kumar K.R.-Advocate)

-VERSUS-

Respondent: The State by Byadarahalli
Police.

(By learned Public Prosecutor)

ORDER

The learned counsel for petitioner has filed this petition U/S.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter called as BNSS, 2023, for convenience) praying for anticipatory bail on behalf of petitioner in split-up C.C. No.11511/2024 arising out of Crime No.393/2017 alleging the offences punishable U/Ss.399 & 402 of IPC, pending on the file of learned Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru.

2. The case of prosecution is stated in the bail petition. It is further stated in the petition that the petitioner is innocent of the alleged offences and has got valid and tenable defence. The petitioner was earlier granted bail and was regularly appearing before the court. But, on the previous date of hearing, as he was in judicial custody in other case, he was not able to be present before the court. Hence, the court was pleased to issue NBW against the petitioner. The respondent

police have already completed the investigation and submitted charge-sheet. Hence, the custodial interrogation of the petitioner is no more required for further investigation purpose. The other accused persons are already granted bail. The main case is already disposed of by acquitting the other accused persons. There is no specific overt act against the petitioner. The alleged offences are not exclusively punishable with death or imprisonment for life. The petitioner is the permanent resident of address mentioned in the petition cause-title. The petitioner is ready and willing to abide by the terms and conditions imposed by this court. The petitioner is ready to furnish surety to the satisfaction of this court. Hence, prayed for allowing the bail petition.

3. The Learned Public Prosecutor files objections to the petition stating that there is prima-facie case against the petitioner. The offences alleged against the petitioner is heinous in nature. If petitioner is

released on bail, there is every chance of committing similar offences; threatening and tampering prosecution witnesses and prayed for rejection of bail petition.

4. Heard arguments of both sides.

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

1. *Whether the petitioner is entitled for anticipatory bail?*
2. *What order?*

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

Point No.1: In the ***In Affirmative***;

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

REASONS

7. **Point No.1**:- The P.I. of Byadarahalli police station has filed charge-sheet against the accused persons alleging the offences punishable under Ss.399 & 402 of IPC.

8. The case of prosecution in nutshell is that, on 14.07.2017 at 9.45 p.m., when C.W.1-Gurusiddaiah was in the Byadarahalli police station, he received credible information that in between Nuggipalya-Ullal Main Road, some 5 persons by holding deadly weapons are making preparations to commit dacoity of passers-by and vehicle riders and in that regard, C.W.1 called C.W.2 & 3-panchas and formed his team by taking C.W.4 to 8 and had been to the said place and by a little distance, he observed that preparations are being made to commit dacoity by accused No.1 to 5 who were holding deadly weapons and hence, he conducted raid upon them and then, caught hold accused No.1 and 2 who were holding Long and Club respectively and accused No.3 to 5 have thrown the weapons in their hands i.e. a Club, a chilly-powder packet and a knife and run away from the said place and then, after investigation, he found that all of them

have committed the offences under Ss.399 & 402 IPC and filed charge-sheet.

9. The aforesaid facts alleged in the charge-sheet prima-facie reveal the offences punishable U/Ss.399 & 402 IPC. They are exclusively triable by this Court of Sessions and maximum punishment is 10 years imprisonment and non-bailable in nature.

10. After filing charge-sheet, split-up case is registered against the petitioner/accused No.2 in C.C. No.11511/2024 and NBW was issued against him.

11. The learned counsel for petitioner submits that petitioner was in judicial custody in some other case and thus, could not appear before the court. The absence of the petitioner was not intentional, but, for the bonafide reasons. Now, the petitioner undertakes to appear before the court regularly without fail.

12. The respondent police have completed the investigation and filed the charge-sheet. However, the alleged offences are not punishable with death or imprisonment for life.

13. The petitioner is also ready to abide by the terms and conditions that may be imposed by this Court for his release. The apprehension of learned Public Prosecutor that tampering and threatening prosecution witnesses, commission of similar offences and abscondence of petitioner could be safeguarded by imposing suitable conditions.

14. For the above reasons, this Court holds that petitioner is entitled for anticipatory bail with some suitable conditions. Accordingly, the point No.1 is answered in the ***Affirmative***.

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

O R D E R

The bail petition filed under Section 482 of BNSS, 2023 is hereby ***allowed***.

Anticipatory bail is granted to the petitioner. The respondent-Police is hereby directed to release the petitioner on bail in the event of his arrest in split-up C.C.No.11511/2024 for the offences punishable U/Ss.399 & 402 of IPC arising out of Crime No.393/2017 subject to following conditions:-

- 1) The petitioner shall execute personal bond for a sum of Rs.50,000/- with a surety for like sum to the satisfaction of concerned trial Court/Arresting authority.
- 2) He shall not threaten or tamper with prosecution witnesses directly or indirectly.
- 3) He shall not commit similar offences.
- 4) He shall appear before the Court regularly without fail till completion of trial.
- 5) He shall produce his ID and address proof documents before learned Magistrate.

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

(Dictated to the Stenographer, Transcribed and computerized by her. Script corrected, signed and pronounced by me in the open Court on this the 22nd day of June, 2026).

(B.S. Rekha)
Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.