

KABR400001242026



IN THE COURT OF IV ADDITIONAL DISTRICT & SESSIONS JUDGE
SITTING AT DODDABALLAPURA, BENGALURU RURAL DISTRICT

Dated 17th Day of March 2026

: PRESENT:

SMT. NIRMALA .K, B.A. M.L.,
IV Additional District and Sessions Judge,
Doddaballapura, Bengaluru Rural District.

Crl. Misc. No. 10050 / 2026

- PETITIONERS** :
- 1) Sri. Eshwar Nayak – Accused no.1**
S/o. Nagesh Nayak
Aged about 33 years
 - 2) Sri. Nagesh Naik – Accused no.2**
S/o. Chinnaswamynaik
Aged about 60 years
 - 3) Smt. S. Manjulabhai – Accused no.3**
W/o. Eshwar Naik
Aged about 27 years
 - 4) Smt. Lakshmi Bai – Accused no.4**
W/o. Nagesh Naik
Aged about 51 years
 - 5) Sri. Govindanaik – Accused no.5**
S/o. Nagesh Naik
Aged about 30 years
All are R/at. Makalidurga Village
Tubugere Hobli

Doddaballapura Taluk
Bengaluru Rural District

**(Rep. by Sri. G.T. Ravikumar,
Advocate)**

V/s

RESPONDENT : The State by
**Bengaluru District Women
Police Station**

(Rep. by Public Prosecutor)

ORDERS ON ANTICIPATORY BAIL PETITION FILED

U/Sec.482 OF B.N.S.S. 2023

This bail petition is filed under Section 482 of B.N.S.S. 2023 praying to grant of anticipatory bail in Crime No.48/2026 registered by respondent-police for the offence punishable under Section 74, 352, 351(2) R/w. Section 190 of B.N.S. 2023 against petitioners / accused no.1 to 5.

2. BRIEF FACTS:

It is the case of complainant that, complainant had received warrant and one Chandrappa wanted to compromise the matter and while galata was going on near water tank, she went there to capture it in video. At that time, accused has taken away her mobile and pulled her clothes, outraged her modesty and gave life threat to her. All the accused abused

her in filthy language. Hence the complaint.

GROUND FOR ANTICIPATORY BAIL:

3. Petitioners submit that, they are innocent and they have not committed any such alleged offences. There are no prima-facie materials available against them. Based upon the false complaint, they are falsely implicated in the above case. Petitioners submit that as admitted by the complainant, Petitioners had lodged complaint against her and C.C.No. 621/2023 was registered. Keeping the said vengeance she has given false complaint against them. There is delay in lodging the complaint. Section 74 is added willfully so as to trouble petitioners. When the alleged incident occurred, petitioner no. 5 was working in company at Kengeri, Bengaluru. Though there are no materials against them, a false complaint is filed.

4. Further, petitioners are coming from respectable family and permanent residents of given address. They have both movable and immovable properties. Based on the false complaint petitioners are made to suffer humiliation and ill-treatment. There is no possibility of petitioners fleeing away from the court alleged offences are neither punishable with death nor imprisonment for life. They are only bread earners of the family and if the said application is not allowed, They will be put to irreparable loss and hardship. They undertake to co-operate with any conditions imposed by this Court, contending that there are any

materials available against them. They prayed for allowing the bail petition.

5. OBJECTIONS:

On the other hand, in pursuance of court notice, learned Public Prosecutor entered appearance and filed his objections statement along with I.O. report reiterating the complaint averments and further submit that, the alleged offences are neither punishable with death nor imprisonment for life and triable by court of Magistrate. Still the investigation is under progress. If the petitioners are released on bail, they would tamper the prosecution witnesses and they may abscond. They are politically and economically influential. They may also involve in committing similar offences. The alleged offences are grievous in nature and non-bailable in nature. Since there are sufficient materials available against the petitioners. Hence, he prays for rejecting the bail petition.

6. Heard **arguments** on both sides and perused the materials on record.

7. From the above facts following points arise for my consideration.

1. **Whether the petitioners/accused no.1 to 5 have made out sufficient grounds for grant of anticipatory bail under Section 482 of B.N.S.S. 2023 as prayed for in the petition?**

2. What order?

8. My findings on the above points are as follows:

Point No.1 : In the Affirmative;

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

REASONS

9. **Point No.1:-** Defacto Complaint has alleged that the accused persons had abused her in filthy language, assaulted her and also given life threat to her and outraged her modesty. But petitioners contend that they are innocent and they have not committed any such alleged offences. Further it is noticed that, petitioners had lodged complaint against complainant and police have filed charge sheet wherein C.C.No. 621/2023 is registered which shows that both of them are not in cordial terms. Petitioners alleged that keeping the grudge that they have filed complaint against her, she has lodged a false complaint. This is evident from the fact that there is no explained delay in filing the complaint. Considering the facts and circumstances of the case and there is delay, I am of the opinion that the false implication of petitioners cannot be ignored. Apart from this, there are no serious allegations made against them. There are only general vague and omnibus allegations leveled against the petitioners.

10. Further more, petitioners no. 3 and no. 4 are women and they are entitled for the benefit contained under Section 437(1) of CrPC. Petitioner no. 2 is the senior citizen and naturally suffering from old age ailments. It is noticed that they are permanent residents of given address. Further, it is noticed that alleged offences are neither punishable with death nor imprisonment for life and are triable by the court of Magistrate. So, question of fleeing away from jurisdiction of the court is very remote. It is seen that the alleged offences are not punishable with death or imprisonment for life. There are no bad criminal antecedents against the petitioners. More over it is not the case of the prosecution that they are habitual offenders. When such being the case, if bail is denied then it will affect the personal liberty of the petitioners. If they are detained in custody it will amount to pre-trial conviction. Though the investigation is still in progress no where I.O. has stated that he requires the petitioners for custodial interrogation. Just because I.O. has to obtain certain documents and record statement of witnesses that itself is not a ground to reject the bail. There are various caters of decisions which stated that perfect balance has to be made between the personal liberty of individual and interest of society. The apprehension of the prosecution can be met with by imposing reasonable conditions. More over, the petitioner has undertaken to abide by any conditions that would be imposed by this court. Therefore, taking into consideration the principle that 'bail is a rule and jail' is an exception and striking a perfect balance between the personal liberty of petitioners and societal interest. I am of the opinion that the petitioners are entitled for bail in the interest of

equity and justice.

11. **Point No.2:-** For the foregoing reasons, I proceed to pass the following :-

ORDER

Anticipatory Bail Petition filed by petitioner/ Accused no.1 to 5 under Section 482 of B.N.S.S. 2023 is hereby allowed.

Consequently, in the event of arrest of petitioners/accused no.1 to 5 in Crime No.48/2026 of Bengaluru District Women Police Station, they are ordered to be released on bail, on their executing personal bond for a sum of Rs.1,00,000/- each and with one surety for like-sum to the satisfaction of the Investigating Officer/Police Officer on the following conditions:

1. The petitioners shall appear before the Investigating Officer within 15 days from the date of this order and in that event Investigation Officer to take bond and to release them.
2. The petitioners shall appear before Investigating Officer as and when called upon and to extend fullest co-operation in the investigation.
3. They shall not give threat to the prosecution witnesses in any manner.

4. They shall not indulge in similar offences in any manner.

In case of any violation of above bail conditions, prosecution is at liberty to apply for cancellation of the bail.

(Dictated to the Stenographer, transcribed and computerized by her and transcript corrected by me and then pronounced in open Court on this the **17th Day of March 2026.**)

(NIRMALA .K.)
IV Addl. District & Sessions Judge
Doddaballapura