

KABR400003412026



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

Dated 08th Day of July 2026

: PRESENT:

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

Crl. Misc. No. 10142 / 2026

PETITIONER : **Sri. Gangareddy -Accused No.4**
S/o. Krishnappa
Aged about 50 years
R/at. Hanumanthapura Village
Kasaba Hobli, Gerehalli Post
Chikkaballapura Taluk and District

(Reptd by Sri. M.S. Raghavendra,
Advocate)

V/s

RESPONDENT : State by
Doddabelavangala P.S.
Doddaballapura Taluk

(Rep. by Public Prosecutor)

ORDERS ON ANTICIPATORY BAIL PETITION FILED**U/Sec.482 OF B.N.S.S.**

This bail petition is filed under Section 482 of B.N.S.S. praying to grant anticipatory bail in Crime No.67/2026 registered by respondent-police for the offences punishable under Section 331(3) and 305(a) of B.N.S. 2023 against petitioner/**accused no.4.**

2. BRIEF FACTS:

It is the case of complainant that, complainant being the priest at Lakshmi temple, on 21.04.2026 around 10.00 p.m. after completion of Utsava, he kept got idol inside the temple, locked it and went home. Next day on 22.04.2026 around 09.30 a.m. his brother Muniraju called him and informed that there was theft committed in the temple. Immediately complainant wen to the temple and came to know that some one by opening the door lock entered temple and stolen silver crown of the god valuing Rs.20,000/-, 07 gold Thali and Rs.5,000/- from Hundi. On 04.05.2026 while police were in night rounds around 04.00 a.m. near Honnavara Gate, auto-rickshaw without any number plate and another bike was found and the rider of bike and the passenger of auto questioned and they did not give proper explanation and on suspicion they were brought to the station and on enquiry, they admitted that they have committed the theft and hence, suo-moto complaint was filed and F.I.R. was registered.

3. Petitioners submit that alleged incident said to have taken place during festival wherein, there was massive crowd, heavy public movement. At that time, committing theft is not possible. The place where the Utsav was going on is under strict electronic surveillance with large network of functional C.C.T.V. cameras. Prosecution has failed to produce any C.C. T.V. footage showing that petitioners who are involved in the offence. No electronic evidence is produced. Petitioner no.2 / accused no.2 is hardworking auto-rickshaw driver who earning his livelihood with daily wages both of them are coming from respectable family and entire family is depending on them. They do not have any criminal background. Despite there were huge public at that time, no independent eye-witnesses are cited by the prosecution. Recovery procedure is already completed. On 05.04.2026, these petitioners were arrested, since there are no sufficient materials available on record. Hence, prayed for allowing the bail petition.

4. GROUNDS FOR ANTICIPATORY BAIL:

The 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. The petitioners submit that, police have created all the documents and registered false case. The custodial interrogation of the petitioners is not required. The alleged offences are not punishable with death nor imprisonment for life.

5. Further, the petitioners are the permanent residents of the given address. They hail from respectable family and they have got deep roots in the society and no previous antecedents and they are not the habitual offenders. They are neither directly nor indirectly involved in the commission of the offence. They are law abiding citizen. Further they are ready to abide by any conditions that would be imposed by this court. Hence, this petition.

6. 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 are triable by the court of Magistrate. The I.O. has already submitted the charge-sheet against the accused persons for the alleged offences. 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 and they are habitual offenders. The alleged offences are grievous in nature and non-bailable in nature. Since there are sufficient materials available against the petitioners. Further, he submit that there are nearly ten cases pending against the accused. If they are released on bail they will abscond and this will hamper the trial. Hence, he prays for rejecting the bail petition.

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

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

1. Whether the petitioner / accused no.4 has 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?

9. 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

10. Point No.1:- Prosecution allegation is that on 21.04.2026 in the night hours, all the accused no.1 to 4 came in a auto-rickshaw broke open the temple lock with iron rod went inside and committed the theft of things belonging to goddess. On the other hand, these petitioner / accused no.4 submit that he is innocent and he has not committed any such alleged offence. Whether the petitioner has committed the said offence or not have to be decided at the time of full-fledged trial.

11. It is seen that the alleged offences are neither punishable with death nor imprisonment for life and they are triable by the court of Magistrate. One of the major objection taken by the prosecution is that nearly 10 cases are pending against the accused persons. With regard to the apprehension of prosecution is concerned, the same can be met with by imposing reasonable restrictions. At the same time, accused are also directed to appear before the Magistrate court regularly and in case of any failure, prosecution to comply for cancellation of bail. Medical documents are produced to show that accused no.4 is having cardiac problem. Therefore, taking into consideration the said humanitarian ground and that he is aged person, I am of the opinion that no purpose would be served by detaining accused in jail.

12. Further more, it is seen that the petitioner is permanent resident of the given address and hence, the question fleeing away from the jurisdiction of the court does not arise is very remote. The petitioner is not having any bad criminal antecedents. More over it is not the case of the prosecution that he is the habitual offender. Under such circumstances, if bail is denied and if he is taken into custody then the personal liberty of the petitioner will be curtailed. Therefore, taking into consideration the principle that the bail is a rule and jail is an exception and striking a perfect balance between the personal liberty of petitioners and the societal interest. I am of the opinion that the petitioner is entitled for pre-arrest bail in the interest of justice and equity. **Accordingly, I answer above point No.1 in the Affirmative.**

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

ORDER

Anticipatory Bail Petition filed by
petitioner/accused no.4 under Section 482 of
B.N.S.S. 2023 is hereby allowed.

Consequently, in the event of arrest of
petitioner/accused no.4 in C.C. No.2906/2026
(Crime No.67/2026) of Doddabelavangala Police
Station, he is ordered to be released on bail, on
executing personal bond for a sum of Rs.1,00,000/-
and with **two sureties** for like-sum to the
satisfaction of the concerned court on the
following conditions:

1. The petitioner shall appear before the court at the earliest and in that event concerned court to take bond and to release him.
2. He shall appear before court regularly when and extend fullest co-operation in the disposal of case.
3. He shall not give threat to the prosecution witnesses in any manner.
4. He 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 **08th Day of July 2026.**)

(NIRMALA .K.)

IV Addl. District & Sessions Judge
Doddaballapura