

KABR400003442026



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

**Dated 15<sup>th</sup> 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. 10145 / 2026**

**PETITIONERS** :      **1)      M. Santhana Raju – Accused No.1**  
S/o. Muthu Veeran  
Aged about 41 years  
R/at. No.153, Ganesha Temple Main  
Road, Kuvempu Nagar  
Jalahalli East  
Bengaluru North – 560014

**2)      Ashwatha T.M. – Accused No.2**  
S/o. Marigowda  
Aged about 40 years  
R/at. No.49, Magadi Main Road  
Near Masjid Muneshwara Badavane  
Chikkagolarahatti Lakshmipura  
Bengaluru – 562123

**3)      Saravanan .A – Accused No.3**  
S/o. Armugam  
Aged about 49 years  
R/at. No.33, 1<sup>st</sup> Main, 1<sup>st</sup> Cross

Thyagi Nagar, Lakshmidevi Nagar  
Near Government School  
Bengaluru North – 560 096

**(Rep. by Sri. Praveen Kamath,  
Advocate)**

**V/s**

**RESPONDENT : State of Karnataka by  
Rajanukunte Police Station,**

**(Rep. by Public Prosecutor)**

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**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.50/2026 registered by respondent-police for the offence punishable under Section 75, 329(4), 351(2) R/w. Section 3(5) of B.N.S. 2023 against petitioners / accused no.1 to 3.

**2. BRIEF FACTS:-**

It is the case of complainant that, on 13.02.2026 around 04.00 p.m. accused persons without her permission and illegally trespassed into her newly constructed site, abused her in filthy language. When she asked them not to enter premises, they pushed her down and knowing fully well that she was not dressed properly, they started taking her video and falsely abused that she was engaged in illegal activity. At that time, her friend Girish came and rescued her and regarding this she had filed

complaint on 14.02.2026 and police issued N.C.R. They had directed them not to enter her premises. Accused persons are falsely stating that complainant had abused accused no.1 taking his caste name. Since, she did not get justice in case of 1<sup>st</sup> complaint, she has recently contacted Police to file case against them for molestation and direct them to delete her video. They had threatened her saying that they would not leave her till her death. 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 further submit that, the dispute has arisen out of Construction Agreement between complainant and first petitioner regarding construction of residential house for total consideration of ₹ 34,00,000/-. The work was subsequently completed and only minor finishing works were remaining. Complainant had paid a sum of ₹ 8,00,000/- out of the said amount and failed to clear a balance amount. Hence there was dispute between them. In order to escape from payment of money she has given false complaint. Despite substantial completion of construction working complainant has engaged another contractor without settling his claim and thereby first petitioner has sustained his suffer financial loss. He has incurred expenditure towards labour, construction materials and other projected related expenses from his own source. Due to the failure of complainant to honour contractual

obligation, first petitioner approached the Labour Welfare Association seeking assistance for amicable settlement of the dispute and recovery of legitimate dues. Further they submit that, Crime No. 49/2026 was already registered on the basis of complaint given by the petitioners side against the complainant with regard to the incident. So, the present complaint is filed only as a counter blast for the earlier complaint filed by the petitioners.

4. Further, petitioners are the permanent resident of the given address having both movable and immovable properties. They are coming from respectable family having permanent abode in the society. They are not having any criminal antecedents and they are not habitual offenders. They undertake to abide by the conditions that would be imposed by this court since there are no prima-facie materials against the petitioners. They have prayed to allow the bail petition and release them on bail.

#### **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 Sessions. 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 3 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:-** Complainant is constructing house for which , she has engaged the services of petitioner no.1 who is a contractor and they Both had entered into construction agreement. The said construction agreement is not produced. But, it is an admitted fact that

complainant has engaged the services of first petitioner for the purposes of construction over her site. Further petitioners contended that total amount agreed was ₹ 34,00,000/-, out of which Complainant has paid only ₹ 8,00,000/- to him. But substantial construction work was already over. When he demanded amount she has filed false complaint in order to avoid further payment and he has produced the bank extract of first petitioner which indicate that some amount is paid by the complainant to him. Because complainant had not settled full amount to him. He had approached Labour Welfare Association and taken assistance for amicable settlement. In the meantime, he had also filed complaint against her in Crime No. 49/2026 because complainant has abused him taking his caste name. The incident of Crime No. 49/2026 is also arisen from the incident dated 13.02.2026. After petitioner came to know that the complainant has given complaint, immediately she has lodged complaint against petitioners. This indicate that there is a case and counter case between them.

10. The above allegations indicate that there is a civil dispute between both the parties. There is case and counter case between them. Hence, question as to whether the petitioners have assaulted complainant or vice-versa has to be decided at the time of full-fledged trial, apart from this, complaint averments indicate that the allegations are mainly omnibus in nature. With regard to the allegation of complainant about molestation is concerned, the complaint averments are totally absent. So, the ingredients of Said section, prima-facie seems to be absent.

11. Further, the alleged offences are neither punishable with death nor imprisonment for life. Further more, petitioners are the permanent residents of given address and are coming from respectable family. So, question of fleeing away from jurisdiction of the court is very remote. 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. **Accordingly, point no.1 is answered in the Affirmative.**

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

**ORDER**

Anticipatory Bail Petition filed by petitioner/ Accused no.1 to 3 under Section 482 of B.N.S.S. 2023 is hereby allowed.

Consequently, in the event of arrest of petitioners/accused no.1 to 3 in Crime No.50/2026 of Rajanukunte 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 **15<sup>th</sup> Day of July 2026.**)

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