

KACB010005212026



Presented on : 23-03-2026
Registered on : 23-03-2026
Decided on : 28-03-2026
Duration : 05 days

**IN THE COURT OF PRL. DISTRICT AND SESSIONS
JUDGE, AT : CHIKKABALLAPURA**

Dated this the 28th day of March 2026

Present

Sri. T.P.RAMALINGE GOWDA,
B.Sc., LL.M., M.B.A.
Principal District & Sessions Judge,
Chikkaballapura.

Criminal Misc. No.140/2026

PETITIONER/S:

Mr X
s/o Nagendrachari E,

Represented by the natural guardian of
petitioner/child in conflict with law.

Sri Nagendrachari E,
s/o Eshwarachari,
aged about 43 years,
No.5, Gubbalalu, 80 ft. road,
Ramanjineya nagar,
Bengaluru – 560061.
(Represented by Sri S.P.M., Advocate)

//Versus//

RESPONDENT:

State by Bagepalli police,
Chikkaballapura District.
(Represented by Public Prosecutor)

ORDER

This petition is filed by the petitioner who is a child in conflict with law through his natural guardian/father seeking anticipatory bail under Section 482 of BNSS, 2023 apprehending his arrest as accused No.3 in Bagepalli Police Crime No.21/2026 registered for the offences punishable under Sections 115(2), 329(3), 351(2), 352, 74 read with Section 3(5) of Bharatiya Nyaya Sanhita-2023.

2. The brief facts of the case as averred in the petition are that the complainant is in possession of land bearing Sy.No.139/13 measuring 3-20 guntas. The accused persons were disputing her ownership by stating that the said land belongs to them. When such being the case on 17.01.2026 at about 3.30 p.m. the accused persons committed criminal trespass by entering into the compound of complainant's house and abused her in filthy language. The accused No.1 dragged her by holding her tuft and assaulted with hands. When the daughter-in-law of the complainant by name Gayathri came for her rescue the accused No.2 assaulted her and scratched her and all the accused persons gave life threat to them. In this regard, the complainant has lodged complaint before the respondent police in Crime No.21/2026 for the offences punishable under Sections 115(2),

329(3), 351(2), 352, 74 read with Section 3(5) of Bharatiya Nyaya Sanhita-2023.

3. It is further contended that the petitioner is totally innocent and he has not committed any offence. There is no iota of evidence available with the prosecution about the participation of this petitioner/child in conflict with law in the alleged crime. There is a delay of more than a month in filing FIR against the petitioner. He is a permanent resident of Bangalore and hails from dignified family. The alleged offences are not punishable either with death or imprisonment for life and the same are exclusively triable by the Court of Magistrate. He is ready to offer surety and abide by the conditions that may be imposed by this court and sought for allowing the bail petition.

4. On receipt of the notice on the petition, the learned Public prosecutor has filed objections contending that petition is not maintainable and liable to be dismissed. The investigation is still under progress and the materials collected so far prima-facie discloses the involvement of the petitioner in the alleged crime. He is financially and politically influential and if he is enlarged on bail, then there is every likelihood of absconding of petitioner. He may threaten

the witnesses and there is likelihood of destroying the evidence and sought for dismissing the petition.

5. Heard the arguments and perused the materials available on record.

6. Having heard the arguments and perused the materials available on record, the following points are arise for my consideration:

1. Whether the petitioner/CCL is entitled for bail under Section 482 of B.N.S.S. ?
 2. What order?
7. My finding to the above points are as follows;

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

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

REASONS

8. **Point No. 1:-** Sri S.P.M., learned counsel for the petitioner/CCL has vehemently argued that the petitioner is totally innocent and he has not committed any offence. There is no iota of evidence available with the prosecution about the participation of this petitioner/child in conflict with law in the alleged crime. There is a delay of more than a month in filing FIR against the petitioner. He is a permanent resident of Bangalore and hails from dignified family.

The alleged offences are not punishable either with death or imprisonment for life and the same are exclusively triable by the Court of Magistrate. He is ready to offer surety and abide by the conditions that may be imposed by this court. Hence, prayed to allow the petition.

9. On the contrary, learned Public Prosecutor has vehemently argued that the petitioner is not innocent. He is financially and politically influential and if he is enlarged on bail, then there is every likelihood of absconding of petitioner. He may threaten the witnesses and there is likelihood of destroying the evidence and not entitled for discretionary relief of anticipatory bail and hence sought for dismissal of the petition.

10. Considering the rival arguments canvassed by both sides counsels, I have meticulously examined the materials available on record. Wherein it appears that it is the specific case of the prosecution that, the complainant is in possession of land bearing Sy.No.139/13 measuring 3-20 guntas. The accused persons were disputing her ownership by stating that the said land belongs to them. When such being the case on 17.01.2026 at about 3.30 p.m. the accused persons committed criminal trespass by entering into the compound of complainant's house and abused her in filthy language.

The accused No.1 dragged her by holding her tuft and assaulted with hands. When the daughter-in-law of the complainant by name Gayathri came for her rescue the accused No.2 assaulted her and scratched her and all the accused persons gave life threat to them. In this regard, the complainant has lodged complaint before the respondent police in Crime No.21/2026 for the offences punishable under Sections 115(2), 329(3), 351(2), 352, 74 read with Section 3(5) of Bharatiya Nyaya Sanhita-2023.

11. On perusal of the entire materials on record it appears that the petitioner is a child in conflict with law. It is relevant to place reliance on a decision of the Hon'ble High Court of ***Karnataka in Criminal Petition No.200324/2017; in case of Sharanappa v. The State of Karnataka***. Wherein the Hon'ble High Court of Karnataka while granting bail to a child in conflict with law observed Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 which reads as under;

“12. Bail to a person who is apparently a child alleged to be in conflict with law -

(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall,

notwithstanding anything contained in the Code of Criminal procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person.”

Further the accused No.1 and 2 of the same crime i.e., crime No.21/2026 were released on bail in Crl.Misc.No.124/2026 vide order, dated 18.03.2026. The allegations made against the present petitioner who is a child in conflict with law is also similar to that of the allegations made against accused No.1 and 2. Therefore, the present petitioner is also stands on the same footing and he is entitled for bail on parity. Further in view of the observation made by the Hon’ble High Court of Karnataka in the above mentioned order the child in conflict with law can be released on bail subject to condition that the guardian of the said person shall take care of him and shall abide by the conditions that may be imposed by the court. In this case also the apprehension of the prosecution can be ensured by imposing stringent conditions. Accordingly, ***I answer point No.1 in the affirmative.***

12. **Point No. 2:** In view of my findings on point No. 1, I proceed to pass the following;

ORDER

The petition filed by the petitioner/child in conflict with law through his natural guardian/father under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed with the following conditions:-

- 1) In case of arrest of petitioner/child in conflict with law, he shall be released on bail on execution of bail bond for a sum of Rs.50,000/- along with one surety by the guardian/father/care taker of the petitioner.
- 2) The guardian/father/care taker shall undertake that he will take care of the child during the entire trial and he will also see that he will not bring the child in conflict with law with any known criminal or expose the said person to moral or physical or psychological danger.
- 3) The guardian/father/care taker shall undertake that he will keep the child in conflict with law present before the Board on all the dates of hearing.

If the guardian/father/care taker of the child in conflict with law violates any of the above conditions, then the prosecution is at liberty to get cancel the bail order as per the procedure established under law.

(Dictated to the STENOGRAPHER GRADE-I directly on computer and computerized by him script corrected on computer and then pronounced by me in the open court on this 28th day of March 2026)

(T.P.RAMALINGE GOWDA)
Prl. District and Sessions Judge,
Chikkaballapura.