

KACB010009212026



**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT CHIKKABALLAPURA**

Dated this the 23rd day of June, 2026.

PRESENT :

Sri. Kantharaju S.V. B.A. LL.B.

I Additional District & Sessions Judge,
Chikkaballapura

Crl. Misc.No.295/2026

Petitioners:

1. Lakshmipathi
Son of Late Byreddy,
Aged about 46 years
2. Smt. Komala
Wife of Lakshmipathi,
Aged about 45 years,
3. Smt. Rathnamma
Wife of Late Byreddy,
Aged about 66 years,

All are residing at:
Kadirappananayakanakote Village,
Chintamani Taluk,
Chikkaballapur District – 563 146

**(Rep. by Sri. S. Venkatesh
Advocate)**

v/s

Respondents: 1. **The State**
Rep. by Batlahalli Police Station
Chikkaballapur District

[By learned Special Public Prosecutor]

2. Sri. Sathyanarayana
Son of Late Ramanna,
Aged about 40 years
R/at: Kadirappanayakanakote
Chintamani Taluk,
Chikkaballapura District

:ORDER :

This petition is filed under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 on behalf of the petitioners/accused No.1, 2 and 4 for grant of anticipatory bail in the event of their arrest in connection with Crime No.62/2026 for the offences punishable under Sections 115(2), 118(1), 352, 351(2) read with Section 3(5) of The Bharatiya Nyaya Sanhita, 2023, Section 3(1)(r),(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, pending on the file of this Court, in the interest of justice.

2. The learned Special Public Prosecutor representing the State has seriously opposed the application and has requested to reject it for the reasons stated in her written objection and I.O. Report.

3. In response to the notice issued to the respondent No.2-complainant appeared before this court and orally objected to grant bail to the petitioners/accused persons.

4. Heard arguments from both sides.

5. The point for my consideration is;

"Whether the petitioners/accused No.1, 2 and 4 have made out ground for grant of the bail as sought?"

6. The above point is answered in the **Affirmative** for the following;

:REASONS:

7. I have perused the records. On the basis of M.L.C. intimation from the Chintamani Government hospital, on 03.06.2026, the Head Constable-37 of the Batlahalli Police Station has visited the said hospital and recorded the statement of the complainant/injured Sathyanarayana of Kadirappanayakanakote at about 5.00 to 6.00 p.m. and produced at about 7.00 p.m. alleging that, on 02/06/2026 at around 05.30 pm when the complainant and his wife Nagaratnamma were near their house, at that time their cow went into the land of Lakshmipati lived next door and trampled the water pipes in his land and then Lakshmipati and Komala came to them. His wife Nagaratnamma told them that the cow had trampled the pipes on their farm

and they will paying the money. Then accused No.1 and 2 Lakshmipati and his wife Komala suddenly picked up a quarrel with them and abused them in a filthy language and when they asked him if he was talking to them, he asked them why they had come to quarrel without any reason. At that time, petitioner No.1 abused them in a filthy language by touching their caste name and humiliated them and assaulted him on the head with a stick and caused blood injury, and petitioner No.2 assaulted his wife Nagaratnamma on the cheek with her hands and bruised her, then accused No.4 Bhargava, the child-in-conflicting-with law assaulted him on the back with a water pipe and bruised his wife from below. They pushed him, then they have threatened to kill him if they came once again to their house. In the meanwhile, their mother Hanumakka and his wife Nagaratmamma have pacified the quarrel and took him to the government hospital at Batlahalli, and after first aid treatment, he shifted to Chintamani Government Hospital for higher treatment. On the basis of the said allegations, the present case has been registered by the concerned Batlahalli Police Station, for the aforesaid offences.

8. The learned counsel for the accused No.1, 2 and 4/petitioners contended that, they are innocent of the allegations made against them and they have been falsely

implicated in this case at the instance of people who are inimical towards them. The complainant filed a false complaint against them with an intention to grab the property. Further, there was a civil dispute between the complainant and the petitioners regarding the landed property. Complainant himself applied to survey department. **After conducting survey, the boundary fixed and it is found that complainant himself encroached the property of the petitioners. Petitioners are demanded to leave the encroached property, but he has not leave the encroached property.** Complainant is a drunker. When he is in intoxication state, he fell and sustained some injuries. Taking undue advantage of the situation, with an intention to threatened the petitioners, the complainant has lodged a false complaint against the petitioners. Thus conversion civil dispute into criminal offences just to harass the petitioners and to settle personal vengeance is abuse of process of law. There are no reasonable grounds to believe that they are guilty of any offences punishable with death or imprisonment for life or imprisonment exceeding for 10 years. The alleged offences are in respect of the civil dispute, consequently the bar under Section 18 of the SC/ST (prevention of Atrocities) Act, is not applicable to the case on hand and further the contents of the complaint does not disclose that the alleged act not against the community of the people, consequently

there are no grounds to believe that the said act attract, the provision of the SC/ST Act. Further, the petitioners apprehends arrest by Batlahalli Police, if they are arrested they will be subjected to indignities and humiliations at the instance of the complainant who are inimically disposed towards them. Further, the petitioners are permanent residents of the addresses mentioned in the cause title. They are ready and willing to abide by any condition or conditions that this Court deems fit to impose upon them and further prepared to offer solvent surety to the satisfaction of this Court. They are having movable and immovable properties at their disposal. They have no any bad antecedents. The petitioners have not filed similar bail application for grant of anticipatory bail before this Court or pending before any other court seeking same relief under section 482 of BNSS., 2023. Hence, they prayed to allow the bail petition.

9. On the contrary the learned Special Public Prosecutor has filed objections and seriously opposing the bail petition on the grounds that, the bail petition filed by the petitioners are contrary to law and facts, liable to be dismissed. Further the learned Special Public Prosecutor has reiterated the complaint averments. Further, it is contended that the investigating officer has to visit the spot and to conduct panchanama and also to prepare

rough spot sketch in the presence of panchas and also seized the five feet club and water pipes and also received the Certificate under Section 63(4) of BNS, for taking the photos and videograph. The investigating officer has to record the direct and indirect witnesses and also to collect the caste certificate of complainant and accused persons. There is a prima facie case made out against the petitioners, hence, they are not entitled for anticipatory bail. If they granted bail, they may abscond from the jurisdiction of this court and in such an event, it will hamper the investigation. The petitioners may threaten the witnesses and destroy the evidence of the prosecution or involved in the similar offences. There is a bar under Section 18 of the SC/ST (POA) Act, to grant the anticipatory bail to the petitioners. Further, it is contended that there are no valid grounds to grant bail to the petitioners. There is sufficient material on record to presume that the petitioners have committed the offences alleged against them. Hence, it is requested to reject the petition.

10. The contentions of either side is placed on record. I have carefully perused the allegations made against the petitioners in the complaint, FIR, the statement of objection filed by the prosecution, and the contentions raised by the petitioners in this petition. Further, the

alleged offences are not punishable with death or imprisonment for life. Though the alleged FIR was registered on 03.06.2026 since then the investigating officer have not arrested the accused persons. Further, as seen from the objection filed by the learned Special Public Prosecutor no criminal antecedents is forthcoming against the petitioners. The contention of the petitioners that there is a civil dispute between the parties. Moreover, the alleged incident occurred on all of sudden when the complainant cow went to the farm of the petitioners and damaged the water pipes and all of a sudden a quarrel was took place. Admittedly, as per the contents of the complaint, except the complainant, his mother and wife, none of the other persons were present to view the incident. Further, as medical document produced by the learned counsel for the petitioners, the complainant stated before the Doctor, the accused persons have assaulted him with a sickle in contrary to the complaint averments. Further, the allegations made against the petitioners are required to be proved through full fledged trial. In the light of the dictum of the Hon'ble Apex Court in **Writ Petition [C] No.1015 of 2018** in the case of **Prathvi Raj Chauhan V/s Union of India & others** is aptly applicable to the case on hand. Further, the petitioners have undertaken to abide by the conditions imposed by this Court. Hence this Court is of the considered view that, the interest of petitioners and

prosecution can be balanced by imposing stringent conditions. Accordingly, I proceed to pass the following:

: ORDER :

The bail petition under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 filed by the petitioners/accused No.1, 2 and 4 is hereby **allowed** as prayed for.

The Investigating Officer in Crime No.62/2026 of Batlahalli Police Station, is hereby directed to release the petitioners/accused No.1, 2 and 4 in the event of their arrest, pending on the file of this Court on executing their personal bond for a sum of Rs.1,00,000/- each with one surety for the likesum.

This order is subject to the following conditions:

1. They shall appear before the Investigation Officer and furnish surety within 15 days.
2. They shall not repeat the same and involve in any kind of offences.
3. They shall mark their attendance before the Investigation officer on 1st and 15th of day of every month between 10.00 a.m. till 5.00 p.m. till completion of investigation.

4. They shall not directly or indirectly threaten or destroy the prosecution witnesses.
5. They shall co-operate with the investigation officer as and when required

In the event if they violated any of the conditions, prosecution would be at liberty to seek the cancellation of the bail.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me, signed and then pronounced by me in the open court, on this the **23rd day of June 2026.**)

(Kantharaju S.V.)

I Additional District & Sessions Judge,
Chikkaballapura.