



**IN THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, AT CHIKKABALLAPURA.**

PRESENT

**SRI. SIDDANNA B. HANDRAL,
B.Sc.,LL.B(Spl).
III Addl. Dist. & Sessions Judge,
Chikkaballapura.**

DATED THIS THE 10th DAY OF JULY, 2026

Criminal Misc. No.350/2026

PETITIONERS:

1. M.V.Byraredddy @ M.v.Byraredddy,
S/o. Venkatarayappa
Aged about 46 years.
2. Krishnareddy @ M.V.Krushana
Reddy, S/o. Chinna Bayyappa,
Aged about 66 years.
3. Venkata Subbamma,
W/o. M.N.Byreddy,
Aged about 66 years.
4. Purushotham @ Purushothama.M.N.
S/o. M.V.Narayanaswamy,
Aged about 22 years.
5. Supritha @ Supriya.M.N.
W/o. Madhu,
Aged about 23 years.

All are Yagavamarappagaripalli village,
Cheluru Taluk,
Chikkaballapura District,

(By Sri. C.V.N., - Advocate)

Vs.

RESPONDENT

: State of Karnataka,
Rep.by., Cheluru Police,
Cheluru Taluk.

(By. Public Prosecutor)

ORDER

The petitioners/accused have filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in connection with Cheluru P.S. Cr.No.88/2026 registered for the offences punishable under Sections 115(2), 189(2), 132, 191(2), 351(2), 352 R/w. Sec. 190 of Bharatiya Nyaya Sanhita, 2023.

2. The petitioners in their petition have contended that, they are innocents of the alleged offences and have got valid and tenable defense. The original complainant has deliberately implicated them in her complaint and there is no truth in the complaint. They are the permanent residents of Yagavamarappagaripalli village, Cheluru Hobli and they are law abiding citizens and earning their livelihood by honest means. The offences alleged is not exclusively punishable with death or imprisonment for life. They are ready and willing to furnish surety in the event of their release on bail and undertake that, they will not tamper the prosecution witnesses and assist the I.O. during the course of investigation. They are the only bread earning members of their family having educating children. They are ready to abide by the terms and conditions of the court and also furnish surety for their release, if the bail application is not allowed they would be put to great hardship and injury hence prayed to allow the bail application.

3. After registering the petition, notice was issued to the respondent, the learned Public Prosecutor appeared on behalf of the State and filed the objections by opposing the bail petition on the ground that, in the present case the investigating officer has conducted the seizure panchanama

and seized the mobile phone of the accused persons in the presence of panchas and also collected the evidences against the petitioners which discloses prima facie case against the petitioners for their involvement in commission of the offences. The investigation is under progress and petitioner is required for custodial interrogations and the investigating officer has to collect the material evidences and to record the statements of the witnesses. The petitioners are financially and politically influential person. The offences alleged against the petitioners are heinous in nature. If they are released on bail, they may influence the witnesses to destroy the evidence. If the petitioners are released on anticipatory bail, they may indulge in committing similar offences, and may abscond and may not cooperate with the investigation and they may not appear before this court, which may affect the trial of the case and they may interfere in the investigation of the case. Hence, prays for dismissal of the petition.

4. Heard the arguments of both sides.

5. The following points that are arise for consideration:

1) Whether the petitioners/accused have made out grounds to grant anticipatory bail as prayed in the petition?

2) What order ?

6. The above points are answered as under:

Point No.1:In the **AFFIRMATIVE**

Point No.2: As per final order,

for the following:

REASONS

7. **Point No.1:** It is the case of the prosecution that, the PSI (L & O) Chelluru Police Station has lodged the complaint alleging that when he was on duty on 27.6.2026 at about 10.00 a.m. one Smt.Bharathi W/o. Venkata Shivareddy resident of Yaguvanarappagaripalli village approached the police station and lodged the written complaint alleging that, on 27.6.2026 at about 9.30 a.m. one Byyareddy S/o. Byrareddy instigated M.V.Subbareddy S/o. Venkatarayappa and 9 others to construct a cement wall on the road illegally with the help of beldars beside her house. In this regard she and her husband and her daughter requested them not to construct cement road on the road which causes hindrance for them to use the said road to reach their house. But the said persons have assaulted them and also threatened to their life, after receiving the said complaint he had registered the case in Cr.No.85/2026 against the accused persons in the said case. Thereafter, at about 10.30 a.m. the daughter of the complainant in the said crime by name Kushitha called through the phone to the beat police Nandan Kumar CPC 316 informing that, all the accused were illegally formed an unlawful assembly and again started quarrel with them and they are having fear to their life and his staff also informed the same to him, immediately he and his staff by name Chandrakantha and Nandan Kumar, Smt.Swapna WPC No.595 and jeep driver Sri.Somashekara went in a Government jeep and reached to the spot and get down from the jeep by that time the police have called their staff and the daughter of the complainant had given information regarding illegal activities of the accused persons, at that time all the accused persons suddenly came there and

started to quarrel with the daughter of the complainant and her father and when he entered for pacifying the quarrel, by that time the accused persons were caught hold their uniform and dragged them and one Subbareddy was kicked him and torn his shirt and the other accused by name Bhagyamma bite on his left hand finger, the other accused persons were obstructed their duty and abused them in filthy language and also threatened to their life. Hence, the PSI has lodged the complaint against the accused persons for initiation of legal action.

8. Based on the said complaint, the Cheluru police have registered the case against the accused in their P.S Crime No.87/2026 for the offences punishable under Section 189(2), 191(2), 115(2), 285, 351(2), 352, 54, 74 R/w. Sec. 190 of Bharatiya Nyaya Sanhita, 2023, and started investigation. Now the petitioners/accused persons have come up with this petition seeking anticipatory bail.

9. The perusal of the material placed before the court it goes to show that the alleged offences against the petitioner are not punishable with death or imprisonment for life and are triable by the learned Magistrate. The averments of the complaint discloses that, when the complainant and his staff went to the place of incident by that time, the accused persons picked up quarrel with the complainant's daughter by name Kushitha with regard to construction of cement wall and himself and his staff were tried to pacify the quarrel, but the accused no.1 caught hold his uniform and dragged him and accused no.2 bite his left hand finger and other accused persons caused obstructions for discharging of their duties and abused

them in filthy language and threatened to their life. It is also seen from the records that, the accused no.1, 2, 5 and 6 were arrested by the I.O. and produced them before the learned Magistrate and in turn they were remanded to J.C. and subsequently they got enlarged on bail by the Learned Magistrate. It is also seen that the I.O. has conducted the major part of the investigation and the main accused persons have already been arrested and enlarged on bail. It is not the case of the prosecution that the injured person is taking treatment in the hospital as indoor patient. Hence, it goes to show that there is no dangerous to the injured person. The allegations made against the present petitioners regarding causing obstructions to discharging the duty of the complainant and his staff and abused them in filthy language and threatening of their life are the subject matter of the trial. Hence, at this stage, if the accused are arrested by the police and produced before the Magistrate there are every possibility of remanding them to the J.C., in such circumstances the petitioners have established their apprehension of arrest by the police. The petitioners have undertaken to furnish surety to the satisfaction of the court and ready to abide by the conditions imposed by the court, in such circumstances, the apprehension of the prosecution can be meted out by imposing stringent conditions. Hence, at this stage, the petitioners are made out prima facie grounds for grant of anticipatory bail.

10. As it is already stated in the above that the offences alleged against the petitioners are not exclusively punishable with death sentence. Under these circumstances, the principles laid down by the **Hon'ble**

Supreme of India in a decision reported in *Jayendra Saraswati Swamigalu Vs State of Tamilnadu reported in AIR 2005 S.C.716*, Hon'ble Supreme Court of India has made it clear that, the factors to be considered before granting bail by courts - Where an accused is charged of having committed a serious offence, it is necessary for the Courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail. They are; 1) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, 2) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant, and 3) Prima - facie satisfaction of the Court in support of the charge .

11. Further reliance is also placed on the decision reported in ***Sudha Verma Vs. State of U.P. 2007 AIR SCW 5598. In another decision reported *Puran Vs. Rumbilas AIR 2001 S.C. 2013 Hon'ble Supreme Court**** has held that, the court should give reasons for grant of bail - giving reasons for grant of bail to accused is different from discussing merits or demerits. At the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case has not been undertaken. It is well settled that, grant of bail being a discretionary order but, however calls for exercise of such discretion in a judicious manner and not as a matter of course. While placement of the accused in the society, though may be considered but that, by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought and ought always be coupled with other circumstances warranting the grant of bail. The nature of

offence is one of the basic considerations for the grant of bail - more - heinous is a crime, the greater is the chance of rejections of the bail.

12. Apart from the above, the following considerations may also be noticed. **(a) While granting bail the Court has to keep in mind not only the nature of the accusations, the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations. (b) Reasonable apprehension of the witnesses being tampered with or the apprehension of the there being a threat for the complainant should also weigh with the Court in the matter of grant of bail. (c) While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be prima - facie satisfaction of the Court in support of the charge. (d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail. To fortify this view, I rely upon a decision reported in Ram Govind Upadhyay Vs. Sudarshan Singh , AIR 2002 SC 1475.**

13. It is the specific contention of the prosecution that if bail is granted to the petitioners, they may cause hamper on the investigation and possibility of absconding the petitioners and chances of threatening and destroying the

evidence. As already stated in the above that investigating officer has started investigation, and complainant and other witnesses are the local police officials, there is no question of threatening or destroying the prosecution evidence or witnesses, the only question before the Court is appearance of the petitioners before the investigating officer for the purpose of investigation. In order to meet out the said aspect, if the petitioners are directed to join the investigation and undergo limited period of custodial interrogations, would meet the ends of justice as held by the Hon'ble High Court of Karnataka in the decision decided in **Criminal Petition No.1931/2023 dated 05.04.2023** in the case of ***K. Abdul Rehman S/o Chamansab Vs. the State by SHO, Malebennur police station, Davanagere District*** and in **Criminal Petition No.12245/2022 dated 9.1.2023** in the case of ***Ganesh Sheregar Vs. State by Gangolli police station, Udupi District***.

14. Hence, in view of the above said reasons at this stage, it cannot be concluded that petitioners have been falsely implicated without any basis, however, the nature of allegations do not require rejection of the bail and if the anticipatory bail is granted in favour of the petitioners subject to conditions, which will take care of apprehension expressed by the prosecution in the objections. Accordingly, point No.1 is answered in the **AFFIRMATIVE**.

15. **Point No.2:** In the light of discussions made at above and answer to the above point it is just and necessary to pass the following;

ORDER

The anticipatory bail petition filed by the petitioners/accused under Section 482 of BNSS, 2023 is hereby ALLOWED.

The respondent-police are hereby directed to release the petitioners/accused on anticipatory bail in the event of their arrest in connection with Cr.No.88/2026 of Cheluru P.S. registered for the offences punishable under Section 115(2), 189(2), 132, 191(2), 351(2), 352 R/w. Sec. 190 of Bharatiya Nyaya Sanhita, 2023 subject to execution of personal bond of Rs.1,00,000/- each with one surety for the likesum to the satisfaction of the Investigating Officer on the following conditions.

- 1) The Petitioners/accused shall appear before the Investigating Officer within 15 days from the date of this order for the purpose of interrogations and execute personal bond.
- 2) They shall not tamper/destroy the prosecution witness/evidence in any manner.
- 3) They shall co-operate with the Investigating Officer during investigation and make themselves available for interrogations whenever required.
- 4) They shall mark their attendance on 1st and 3rd Sunday of every month between 10.00 a.m. to 6.00 p.m. before the Investigating

Officer for a period of three months or till filing of charge sheet whichever is earlier.

- 5) They shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the Investigating Officer.
- 6) They shall appear before the court on all the date of hearing without fail.
- 7) They shall not involve in any other criminal activities.

If any of the above conditions violated by the petitioners, the anticipatory bail granted to them stands automatically canceled.

(Dictated to the Stenographer Gr-III directly on the computer, printout corrected, signed/and then pronounced by me in open court on this **10th day of July, 2026**)

(SIDDANNA B.HANDRAL)
III-Addl.District and Sessions Judge,
Chikkaballapura.