

KACB320003112026



**IN THE COURT OF THE II ADDITIONAL DISTRICT
& SESSIONS JUDGE, CHIKKABALLAPURA,
SITTING AT CHINTAMANI**

Dated this the 3rd day of July, 2026.

PRESENT :

Sri. Kantharaju S.V. B.A. LL.B.
II Additional District & Sessions Judge
Chikkaballapura, Sitting at Chintamani

Crl. Misc.No.166/2026

Petitioner: Sri.Narendra K.M
Son of Munivenkatappa
Aged about 23 years,
Residing at Kurumarahalli Village,
Ambajidurga Hobli,
Chintamani Taluk,
Chikkaballapura District.

(Rep. by Sri. Amar.K.V
Advocate)

v/s

Respondent: **The State**
Rep. by Chintamani Rural Police
Station, Chikkaballapura District

(Rep. by Learned Public Prosecutor,
Chintamani)

:ORDERS:

This petition is filed under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 on behalf of the petitioner/accused No.2 for grant of anticipatory bail in the event of his arrest in Crime No.105/2026 of Chintamani Rural Police Station for the offences punishable under 115(1), 118(1), 352, 351(2), 74, 76 read with section 3(5) of the Bharatiya Nyaya Sanhitha, 2023, pending on the file of Additional Civil Judge and JMFC., Chintamani, in the interest of justice.

2. The learned 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 the I.O.Report.

3. Heard arguments from both side.

4. The point for my consideration is:

“Whether the petitioner/accused no.2
has made out grounds for grant of
bail as sought for?”

5. The above point is answered in the **Affirmative**
for the following:-

REASONS

6. I have perused the records. On the basis of M.L.C. intimation from the Chintamani Government Hospital on 26.03.2026 by Head Constable-77 of Chintamani Rural Police Station visited the said hospital and recorded the statement of Chandpasha of Kotagal village, Chintamani Taluk dated 26.03.2026 at about 8.45 p.m. alleging that, he is doing a profession as driver and trading of tamarind. His younger brother Sardar is a sheep farmer. His younger brother takes his sheep to the lake every day to graze them and returns home in the evening. In the meanwhile, on 25/03/2026, when he was taking sheep to the village in the morning, and after grazing returning home in the evening, at that time of returning, accused No.2 Narendra petitioner and accused No.1, accused No.3 Chalapathi and accused No.4 Sunil came with the two two wheelers from Kurumarahalli village and scolded his younger brother in a filthy language saying that taking sheep on the road, take them aside and go away." When he asked what to do with his younger brother's sheep, both of them got into a verbal quarrel. He and the others who were there then went to the side and left the spot. Later, at 7:30 pm, when he was near his house with his wife Hasinataj, Narasimha Murthy and others from the said village came there and started quarrelling and abused

with them. When he asked where else to go instead of beating sheep on the road, the accused persons started shouting at him and assaulted him on the body with their hands and caused pain. The accused no.1 assaulted him with a stick on the forehead above his left eyebrow, caused injury. When his wife came to pacify the quarrel, the accused no.1 also assaulted her on the nose and caused injury. When his brother Sardar came there, the accused persons also assaulted him on the body with their hands and caused pain. When their villagers, Fyroz and Aeju and others came to the spot and they pacified the quarrel and threatened that if once again grazing the sheep on the road he will not leave him alive. On the basis of the said allegations, the present case has been registered by the concerned Chintamani Rural Police station for the aforesaid offences against this accused and others.

7. The learned counsel for the petitioner/accused No.2 contends that, the accused other petitioners have also lodged complaint against them but the police have not taken complaint, instead of that they have arrested the petitioner. The complainant and his family members used filthy language and insult the cast of the petitioner also. However the petitioner has not given complaint because of the complainant is their nearest villager. The petitioner is not used the bad language and also not assaulted to the

complainant also. The petitioner is having good antecedents and they belong to weaker community and there is no any criminal case against him. The petitioner is permanently residents of above said address and there is no chance of absconding. Further contended that, the alleged offences are not punishable with death or life imprisonment. The offences leveled against the petitioner are only trail by this court. The petitioner is quite innocent of commission of offences alleged against him. The petitioner is respectable person in the locality, the Complainant Police have falsely implicated him in the above case. The petitioner undertakes to abide by any condition that may be imposed by this court for granting bail. The police having registered the case for bailable offences later by political force they have inserted the non bailable offences under section 74 and 76 of BNS act and they trying to arrest the petitioner. As such the petitioner is making this application for grant of anticipatory bail. Hence, he prayed to allow the bail petition.

8. On the contrary the learned Public Prosecutor has filed objections and seriously opposing the bail petition on the grounds that, the bail petition filed by the petitioner is contrary to law and facts, liable to be dismissed. Further the learned Public Prosecutor has reiterated the complaint averments. The investigating officer has visited the spot

and conducted the mahazar. The investigation is not yet completed. On perusal of the complaint averments, the investigation officer has to record the statement of material witnesses and also to collect the evidences of direct and indirect of witnesses and recorded their statements. The accused has absconded and has to be apprehended and enquired him, there is prima facie case made out against the petitioner, hence he is not entitled for anticipatory bail. The alleged offences punishable under imprisonment for 7 years and fine and they are non bailable offences. If at this stage, the petitioner is granted with anticipatory bail, he may threaten the prosecution witnesses and he may destroy the prosecution evidence or he may commit the similar kind of offences and the possibility of Petitioner fleeing away from justice cannot be ruled out. Further, it is contended that there are no valid grounds to grant anticipatory bail to the petitioner. There is sufficient material on record to presume that the petitioner has committed the offences alleged against him. Hence, it is requested to reject the petition.

9. The contentions of either side is placed on record. I have carefully perused the allegations made in the FIR, complaint, the statement of objection filed by the prosecution along with the contentions raised by the petitioner in this petition. Admittedly, the investigation is

not yet completed and it is in progress. Though the offences invoked in the complaint are non-bailable, they are exclusively triable by this Court. As the offences are non-bailable in nature the apprehension of arrest of accused is well-founded. Though the FIR was registered on 26.03.2026 the investigating officer has not arrested the accused-petitioner. Further all the allegations are required to be proved through full fledged trial. In the document furnished by the prosecution, criminal antecedents of the petitioner is not forthcoming. On the other hand, the petitioner has undertaken to abide by the conditions that may be imposed by this court. This Court already granted bail to the accused no.1, 3 and 4 in Crl.Misc.No.81/2026 dated 16.04.2026. Under these circumstances, this court is of the considered view that the interest of petitioner and prosecution can be balanced by imposing stringent conditions. Accordingly, I proceed to pass the following :

ORDER

The petition filed under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 on behalf of the petitioner/accused 2 is hereby **allowed** as prayed for.

The Investigating Officer of Chintamani Rural Police station is hereby directed to release petitioner/accused no.2 in the event of his

arrest in Crime No.105/2026 pending on the file of Addl. Civil Judge & JMFC, Chintamani on executing his personal bond for a sum of Rs.50,000/- with one surety for the likesum.

This order is subject to the following conditions:

- 1.He shall appear before the Investigation Officer and furnish surety within 15 days.
2. He shall mark his 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.
3. He shall not repeat the same and involve in any kind of offences.
4. He shall not directly or indirectly threaten or destroy the prosecution witnesses.
5. He shall appear before the trial court regularly.

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

(Dictated to the Stenographer directly on computer, typed by him, corrected and then pronounced by me in the Open Court, on this the **3rd day of July, 2026.**)

(Kantharaju S.V.)

II Additional District & Sessions Judge,
Chikkaballapura, Sitting at Chintamani