



Presented on : 28-03-2026

Registered on : 28-03-2026

Decided on : 08-04-2026

Duration : 11days

**IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE, AT: CHITRADURGA**

Present: **Sri Ron Vasudev, B.Com,LL.B.(Spl)**
*Prl. District & Sessions Judge,
Chitradurga*

Dated this the 8th day of April, 2026

Crl.Misc.336/2026

Petitioner: (A6)	Shanmukha. K.J. S/o Jayanna, Aged about 34 years, R/at: Hosur Post, Sira Taluk, Kaluverahalli, Tumkur, Karnataka-572139.
	(By Sri. Abdul Jaleel Zulfiquar. Advocate)

/versus/

Respondent:	State by Bharamasagara Police. (By the Public Prosecutor, Chitradurga)
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ORDER

This Petition is filed U/Sec.482 of BNSS in respect of Bharamasagara Police Station Cr.No.127/2026 registered for the offences punishable U/Ss.312, 324(4) of BNS.

2. The allegation of the prosecution is that on 20.03.2026 at about 8.00 pm Papanna S/o Gadrappa, R/o N. Baligatte was sitting in front of garden house of one Devendrappa and at that time, nearly eight persons came there covering their faces with mask and two of them

holding his both hands asked him where they have kept money and valuables in the adjoining of two more locked garden houses. Though he stated that no such valuables are there in the said houses the other accused broke open the locks of said two houses and having entered in them, they searched them, but they did not find any cash or valuables and having disappointed to get any valuables there, they smashed the window glasses, lights and fittings of both houses and while leaving that place one of the accused removed his mask and his face was recognized by Papanna. Once these accused left that place, he immediately called his friend Nagaraj and other villagers and all of them rushed to the said garden houses and in the meanwhile by calling the police helpline 112, they called the police to the spot and all of them went in search of the said accused, who had moved towards road leading to highway. At some distance two accused were caught hold and they were brought to police station and on enquiry they disclosed the names of rest of the accused who had come to commit dacoity in two cars and they were unable to escape from that place due to toppling their car and whereas another car having four other dacoits have sped away from the place. Thus the said two accused were produced before the jurisdictional court with remandyadi containing the names of all other six accused. Thus in all eight accused have been shown in the initial remandyadi.

3. The petitioner in this case is the accused No.6 and he submits that he has not committed any offence as alleged against him; that he is innocent of the offences

alleged and there is possibility of police being colluded with the complainant to foist a false case against him and others; that his name was not there in the FIR, but it was came to be included only on the basis of alleged voluntary statement of accused No.1 and 2; that the offences alleged are not punishable with death or life imprisonment and he is having deep roots in the society; that there is no likelihood of his abscondance and instead the jurisdictional police are trying to arrest, detain and humiliate him; that he is prepared to assist in the investigation and he is prepared to obey the conditions to be imposed herein and he is permanent resident of the address shown in the cause title and he will not tamper the prosecution evidence nor threaten the prosecution witnesses, he prays to admit him to bail.

4. On the other hand the prosecution contends that this accused No.6 and other accused are engaged in committing dacioty and on the said day they came there with an intention to commit dacoity in the garden houses of one Devendrappa and as they did not find any valuable there, they smashed the window glasses, lights and fittings and caused loss to the houses and apart from that they threatened Papanna, wherefore it is not proper to admit him to bail and in the event if he is let on bail, chances of arrest of other accused would become difficult and he may indulge in similar such offences in the days to come, it prays to reject his petition.

5. In view of these rival submissions, now the following points would arise for my consideration:

1. *Whether the accused No.6 is entitled for anticipatory bail as prayed for?*

2. What Order?

6. I have heard the arguments of Sri MAI advocate for the accused No.6 and learned Public Prosecutor for the State. On careful reading of the entire case file, my findings to the above points are as under:-

Point No.1 – In the negative,

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

REASONS

7. **Point No.1:-** As rightly submitted by the prosecution the complaint allegations would show that on the said day eight persons came to the garden house in night hour and of them two held his hands and enquired him regarding valuables and cash in the two adjoining locked garden houses and though he stated that no such things are there in the said houses, they allegedly broke open the locks of the houses and after finding nothing there, damaging of window glasses and fittings of the said houses they caused wrongful loss to the property owner and also exhibited their anger as they failed to get anything there. It shows their criminal intention to commit heinous offences having no fear of law. The fact that this accused No.6 and seven others engaged in such act would certainly create a fear in the mind of innocent and law abiding public.

8. It is not individual liberty of the accused that alone matters, even liberty of innocent citizens is also of primary importance. Already IO has arrested the accused

No.1 and 2 and they are in custody and still investigation is in progress. In such an event if this accused No.6 is let on bail, as submitted by the prosecution chances of abscondance of this accused cannot be ruled out and securing the presence of other accused may become still more difficult.

9. It is material to note that though the accused No.6 has described his residential address as Hosuru Post, Sira Taluk, Kaluverahalli, Tumkuru District in the petition cause title, he has not produced any document to prove his said residential address. So it shows that he has not come to the court with clean hands and with all material particulars. Therefore holding that this is not a fit case where this court can exercise its discretion in his favour and looking to gravity of offences alleged and the manner of commission of said offences, I answer this point in the negative.

10. **Point No.2:-** In view of my above findings, I proceed to pass following:

ORDER

Petition filed U/Sec.482 of BNSS in respect of Bharamasagara Police Station Cr.No.127/2026 registered for the offences punishable U/Ss. 312, 324(4) of BNS is rejected.

(Dictated to the Stenographer Grade-III, transcribed and computerized by her, corrected and signed by me and then pronounced in the open Court on this the 8th day of April 2026)

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.