

KACD010018702026



Presented on : 18-05-2026  
Registered on : 18-05-2026  
Decided on : 05-06-2026  
Duration : 17 Days

IN THE COURT OF 1<sup>ST</sup> ADDL. DISTRICT AND SESSIONS JUDGE  
AT CHITRADURGA, CHITRADURGA

Present :- SRI. VEERANNA SOMASEKHARA  
B.Com., LLB(Spl.)

1<sup>st</sup> Addl. Dist & Sessions Judge,  
Chitradurga

Dated this 05<sup>th</sup> day of June 2026

**Crl. Misc. No.524/2026**

Petitioner/Accused : Manjunath .T. S/o Thimmanna, Aged about  
39 years, Occ: Coolie, R/o Meerasabihalli  
Village, Challakere Taluk, Chitradurga  
District.

(By Smt. Sumalatha .G.O., Advocate)

/Vs/

Respondent : State by: Challakere P.S.

(By Public Prosecutor, Chitradurga)

**ORDERS ON BAIL PETITION**

The petitioner/accused has filed this petition U/Sec.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to grant regular bail in his favour in respect of Cr.No.201/2026 registered by the respondent police against him for the offences punishable U/Sec.109, 118(1) and 352 of Bharatiya Nyaya Sanhita, 2023.

2. **The brief facts that leads to the petition are as under:-**

The respondent police have registered the case in Cr.No.201/2026 against the petitioner for the offences punishable U/Sec.109, 118(1) and 352 of Bharatiya Nyaya Sanhita, 2023 on the basis of complaint lodged by one Smt. Jayalakshmi W/o Late Govindappa, resident of Meerasabihalli Village, Challakere Taluk.

3. It is alleged in the complaint that, the sister of the complainant and her son were residing in a house which is situated adjacent to the house of the complainant. Further it is alleged in the complaint that, on 08.05.2026 at about 10.00 p.m., the complainant, her mother, her sister and her children were sitting in front of their house and at that time, the accused came near the said spot and with an old enmity, he has started to abusing the mother of the complainant in filthy language. At that time, the complainant has questioned the accused that, why you are unnecessary abusing her mother and due to which, the accused has angry against the complainant and with an intention to kill the complainant, he has bring the coconut scraper (ಈಳ್ಳಿಗೇಮಣಿ) and assaulted with the said weapon over the complainant's head and caused injuries to her. Thereafter, again the accused has assaulted with said weapon over the neck of the complainant and caused injuries to her. At that time, one Sri. Thippeswamy and Sri. Siddalingappa have come to the spot and pacified the quarrel. Thereafter, the accused has left the spot. Then, the said Thippeswamy has shifted the complainant/injured to the Government Hospital, Challakere for treatment.

4. Thereafter, on 13.05.2026, the complainant has rushed to the police station and lodged the complaint before the respondent police against the petitioner/accused in respect of the above said incident requesting to take action against him.

5. Based on the above said first information, the respondent police have registered a case in Cr.No.201/2026 against the accused for the offences punishable U/Sec.109, 118(1) and 352 of Bharatiya Nyaya Sanhita, 2023.

6. After registration of the case and during the course of investigation, on 13.05.2026, the investigation officer has arrested the petitioner/accused and produced him before the learned Prl. Civil Judge and JMFC, Challakere along with remand application. Then, the said court has taken the accused to custody and remanded him to the judicial custody. Hence, at present, the petitioner/accused has filed this petition seeking to grant regular bail in his favour.

7. The petitioner/accused has contended in the bail application that, he is innocent and has not committed any offences as alleged by the complainant and also at present, there is no prima-facie materials placed on record to establish his participation in the alleged incident as mentioned in the complaint. Further the petitioner has contended in the bail application that, he hails from respectable family and he is the permanent resident of Meerasabihalli Village and he is the coolie by profession and he is the only earning member in his family, as such, at present, his presence is very much necessary in his family to look after the welfare of his family members. Further the petitioner has contended in the bail application that, he is ready to abide by any of the conditions that may be imposed by the court and undertakes to appear before the court and undertakes not tamper the prosecution witnesses and ready to furnish the surety for the satisfaction of the court. On these among other grounds, the accused/petitioner praying this court to allow petition filed by him by granting regular bail in his favour.

8. On issuance of notice, the learned public prosecutor has appeared and filed the objections to the bail application along with objections sent by investigation officer with copy of documents. In the objections, the learned public prosecutor has reiterated the contents of complaint lodged by the complaint and contended that, at this stage, there is a prima-facie materials available against the accused to show that, he has committed the offences as mentioned in the complaint. Further the learned public prosecutor contended in the objections that, the offences alleged against the accused are non-bailable in nature and also at present, the investigation of the case is under progress as still the investigation officer has to record the statement of witnesses and also pending for receipt of FSL report and wound certificate from the concerned department, as such, at this stage, if the accused is enlarged on regular bail, then there is every chance of committing the similar offences by the accused and also he may threaten the prosecution witnesses and also he may try to destroy the prosecution evidence and also absconding by him from the jurisdiction of the court, as such, at this stage, the bail application filed by the accused is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the petitioner/accused.

9. Heard the arguments of both the sides and perused the records.

10. The following points that would arise for my consideration are:-

1) Whether the petitioner/accused has made out a sufficient grounds for grant of regular bail in his favour as prayed for ?

2) What order ?

11. My finding on the above points are as under:

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

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

### **REASONS**

12. **POINT No.1:-** During the course of arguments, learned counsel for the accused argued by reiterating the contents of bail petition filed by the accused and submits that, on perusal of the contents of the complaint itself shows that, the complainant has not sustained any grievous injuries in the alleged incident as after discharged from the hospital, she has lodged the complaint before the respondent police against the accused. Further she argued that, admittedly there was a delay of 05 days in lodging the complaint, as such, there is a doubt regarding the occurrence of alleged incident as mentioned in the complaint. Further she argued that, since from 13.05.2026, the accused is in judicial custody and also on perusal of the contents of the prosecution papers produced by the learned public prosecutor, it shows that, already the major portion of the investigation of the case is completed, as such, at this stage, the presence of the accused is not required to the investigation officer for the purpose of investigation of the case. Contending the above facts, learned counsel for the accused prays to allow the bail application filed by the accused by granting regular bail in his favour as prayed for.

13. On the other hand, learned public prosecutor argued by reiterating the contents of objections filed by him and also contents of objections sent by investigation officer. Further he argued that, on perusal of the contents of the complaint produced by the accused itself shows that, there is an intention to kill the complainant by the accused and also the complainant has sustained grievous injuries on her vital part of the body and also still the investigation of the case is under

progress, as such, at this stage, if the accused is enlarged on regular bail, then there is every chance of threatening the prosecution witnesses and also committing the similar offences by the accused, as such, at this stage, the bail application filed by the accused is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail petition filed by the accused.

14. On perusal of the materials available on record, it shows that, along with the bail application, the accused has produced the certified copy of FIR and complaint in Cr.No.201/2026 of Challakere P.S. and also produced the certified copy of order sheet in Cr.No.201/2026 of Challakere P.S., on the file of learned Prl. Civil Judge and JMFC, Challakere.

15. On perusal of the contents of the certified copy of complaint produced by the petitioner, it shows that, admittedly there is some dispute between the family members of the complainant and also family members of the accused. Further on perusal of the contents of the certified copy of FIR in Cr.No.201/2026 of Challakere P.S. produced by the accused, it shows that, admittedly there was a delay of 05 days in lodging the complaint by the complainant. On the other hand, on perusal of the contents of the certified copy of order sheet in Cr.No.201/2026 of Challakere P.S. on the file of learned Prl. Civil Judge and JMFC, Challakere, it shows that, admittedly since 13.05.2026, the accused is in judicial custody.

16. Further on perusal of the contents of certified copy of complaint produced by the accused, it shows that, already the complainant/injured has discharged from the hospital as the complainant herself rushed to the police station and lodged the

complaint before the respondent police against the accused by delay of 05 days.

17. On the other hand, on perusal of the contents of the objections filed by the learned public prosecutor coupled with contents of objections sent by the investigation officer and copy of case dairy produced by the prosecution, prima-facie it shows that, during the course of investigation, the investigation officer has already visited the spot and conducted the spot panchanama in the presence of panchas and also prima-facie the injured person has already discharged from the hospital and also the investigation officer has already recorded the statements of witnesses. Considering the above facts, I am of the opinion that, at this stage, the presence of the accused is not required to the investigation officer for the purpose of investigation of the case.

18. It is pertinent to note that, the offences alleged against the accused are though non-bailable in nature, but not punishable either with death or imprisonment for life and the said offences are exclusively triable by the sessions court. Further as stated above that, since 13.05.2026, the accused is in judicial custody.

19. Further, at the time of considering the bail application, the Court has to consider whether the petitioner/accused is required for investigation and his presence could be secured at the time of trial as well as during investigation. Whether the petitioner/accused has committed the offences alleged against him or not has to be thrashed out during the trial and it is too early to express any opinion on it. On the other hand the apprehension of the prosecution can be met by imposing certain conditions.

20. Considering the above facts and circumstances of the case and for the above reasons, I am of the opinion that, at this stage, the accused has made out a good grounds to enlarged him on regular bail as prayed for.

21. Considering the above facts and circumstances of the case and looking to the nature of the offences alleged against the petitioner/accused and for the above reasons, I am of the opinion that, at this stage, if the bail application filed by the petitioner/accused is allowed by exercising the discretion of this Court and by imposing some stringent conditions certainly it would meet the ends of justice. Accordingly, I answer this point in the **Affirmative**.

22. **POINT No.2:-** In view of the above discussion and findings on point No.1, I proceed to pass the following:-

**ORDER**

The bail petition filed by the petitioner/accused U/S.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.

The petitioner/accused is ordered to be released on bail in Cr.No.201/2026 of Challakere P.S. for the offences punishable U/S.109, 118(1) and 352 of Bharatiya Nyaya Sanhita, 2023 on executing his personal bond for a sum of Rs.1,00,000/- (One Lakh only) with one surety for like sum to the satisfaction of the learned trial court subject to the following conditions.

(1) The petitioner/accused shall not tamper the prosecution witnesses in any manner and shall



not make any efforts to destroy the evidence to be collected by the prosecution.

(2) The petitioner/accused shall not indulge similar offences in future.

(3) The petitioner/accused shall mark his attendance before the respondent police/I.O. on every alternative Sunday in between 10.00 a.m. and 05.00 p.m. till filing of final report or for a period of 90 days from the date of this order whichever is earlier.

(4) The accused and his surety shall furnish their sufficient address proof before the concerned court.

(Dictated to the Stenographer Grade-III, transcribed and typed by him, corrected by me in the computer, print out taken and then pronounced by me in the open court this the 05<sup>th</sup> day of June 2026)

(Veeranna Somasekhara)  
1<sup>st</sup> Addl. Dist & Sessions Judge,  
Chitradurga.

SML