

KACM010005822026



**IN THE COURT OF THE II ADDL., DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 01st day of April, 2026

: PRESENT :

SRI. PRAKASH.V., B.A.(L.), LL.B.
C/c II Addl., District and Sessions Judge,
Chikkamagaluru.

Crl.Misc.No.155/2026

- PETITIONER/S** :
1. Santhosh A.C.
S/o Chandre Gowda A.M.,
Aged about 53 years,
Arenoor Village,
Devagodu,
Chikkamagaluru Taluk.
 2. Manjunatha K.N.,
S/o Naresha K.S.,
Aged about 29 years,
Karbyle,
Melukoppa Post,
Bomlapura,
Koppa Taluk.
 3. Sharath Kumar M.C.
S/o Chandregowda,
Aged about 36 years,
Magalu,
Devadana Village,
Sangameshwarapete Post,
Chikkamagaluru Taluk.

4. Nagesh M.N., S/o Nagappa M.N.,
Aged about 48 years,
No.52, Moodabagilu,
Hanchinamane, Near School,
Bale, N.R.Pura Taluk,
Chikkamagaluru District.
5. Girisha A.S. S/o Subbegowda,
Aged about 57 years,
Kumbaragodu,
Devadana Village,
Sangameshwarapete Post,
Chikkamagaluru Taluk.
6. Raghavendra B.N. S/o Nagaraja B.M.,
Aged about 39 years,
Bilalkoppa,
Honnekudige,
N.R.Pura Taluk,
Chikkamagaluru District.
- 7 Madan S. Gowda S/o K.T.Srinivasa,
Aged about 29 years,
No.163-A, Kodagi,
Echekere, N.R.Pura Taluk,
Chikkamagaluru District.
8. Prathap A.K.,
S/o Krishnamurthy,
Aged about 30 years,
Alehalli, Megaramakki Pond,
N.R.Pura Taluk,
Chikkamagaluru District.
9. Ranjith G.S., S/o Sridhara M.L.,
Aged about 34 years,
Hanumanthanagara,

Sringeri at and Post,
Chikkamagaluru District.
(Rep. by Sri.H.M.S., Advocate)
-V/s-

RESPONDENT/S : State by Balehonnur Police,
Chikkamagaluru District.

(Rep. by Public prosecutor,
Chikkamagaluru)

ORDER

The petitioners/accused persons have instituted this petition under section 482 of B.N.S.S., seeking for anticipatory bail in the event of their arrest in Cr.No.17/2026 registered by the Respondent Police for the offences punishable under sections 353(1)(b), 195, 57, 126(2), 132, 191(2) r-w 190 of BNS., 2023.

2. In the petition it is stated that, the petitioners have not committed any offences alleged against them, but a false case has been registered against them. It is submitted that, the petitioners are all general public and they went near the said alleged incident in order to see the incident, but they have not at all

joined to the said alleged incident, inspite of that, the respondent police are visiting their houses in order to arrest them and to give trouble to them. Hence, the petitioners have got apprehension of their arrest at any time by the respondent police and in the event of their arrest, they will not be released and they will be tortured. The petitioners are permanently residing in the address shown in the cause title along with their respective family members and they hail from respectable family and they are deep rooted in the Society. Hence, there are no chances of their absconding from the jurisdiction of the Court, if they are let on bail. The petitioners are ready to offer surety and they will abide by all the conditions that may be imposed by this Court, for their release on bail. Hence, sought for bail.

3. The learned Public Prosecutor has filed detailed objection along with the report of Investigating officer, opposing the bail petition on various grounds and reiterated averments of complaint and

contended that the investigation is still in initial stage and if the petitioners are granted bail, they may abscond from the jurisdiction of the court and they may threaten the witnesses and hamper the investigation and they may commit similar offences. Further it is submitted that the petitioners by provoking the general public to shout slogans, have closed the State Highway completely, which is a premeditated and organized act and also caused injuries to the police officials, which is against the law and if they are granted bail, they are likely to cause breach of law and order. Further it is also submitted that, numerous cases have been registered against accused No.1 and accused No.4 in this case and also against the present petitioners and if the petitioners are granted bail, the other accused persons involved in this case cannot be traced out, as there are chances that these petitioners may abscond from the jurisdiction of the Court. Thus, sought for rejection of petition.

4. Heard the arguments and perused the records and the following points arise for my consideration;

P O I N T S

1. Whether the petitioners have made out a ground for grant of anticipatory bail?
 2. What Order?
5. My answers to the above points are ;

Point No.1: In the “ Negative ”

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

R E A S O N S

6. **POINT No.1 :** The materials placed on record would go to show that the respondent Police had registered the case against the petitioners and others for the offences punishable under sections 353(1)(b), 195, 57, 126(2), 132, 191(2) r-w 190 of BNS., 2023.
7. The brief facts of the prosecution case as per the complaint is that, on 22.02.2026 at about 8.15 a.m., one Smt.Boramma died due to the attack of wild

elephant in the estate of one Nageshgowda situated at Hyarambipura, Chikkamgaluru Taluk, as such, the son of the deceased and forest officials were transporting the dead body in a vehicle, during that time, the complainant by receiving the information that the petitioners and other accused persons were restraining the said vehicle from moving further and were trying to block the roads, as such, he along with other police officials came to the place of incident and saw that the petitioners and other accused persons by keeping the dead body of the deceased Boramma in the middle of the road, were protesting by shouting slogans, even after persuasion, they did not agreed and provoked the general public by shouting slogans against Forest Department and Police and induced them to come to protest, as such around 130-150 people gathered there, during that time, the police officers, constables and forest officials rushed to the said place of the incident and tried to patch up the said

incident and asked them to allow to transport the dead body for funeral ceremony. But the petitioners and other accused persons did not stop the strike and shouted slogans against the police officials, forest officials, Forest Minister etc., and they disturbed the Government officials who gathered at the place of incident from discharging their duty. When the petitioners and other accused persons failed to stop the strike, the Deputy Commissioner, Chikkamagaluru, Superintendent of Police, Chikkamagaluru and other police staffs, forest staffs etc., rushed to the said place of incident and on seeing the same, the petitioners and other accused persons also disturbed to discharge their duty and shouted on them and also demanded to pay a sum of Rs.50,00,000/- compensation to the family of the deceased and in case, they fail to pay the said compensation amount to the family of the deceased, then the petitioners and other accused persons threatened that they will not allow them to take the

dead body from that place. Due to the said act of the petitioners and other accused persons, a nuisance was created by blocking the road and due to which vehicles were also not moved and the said strike went to a high pitch. During that time, the concerned authority issued cheque for Rs.20,00,000/- to the family of the deceased as compensation, but they failed to receive the said compensation stating that they should be paid Rs.50,00,000/- compensation to the family of the deceased and they continued their strike by shouting on the Government officials along with Forest Minister and disturbed them to transport the dead body for funeral ceremony and all of a sudden started to throw stones on the police officials and caused bleeding injuries to some of the police officials who were on Bandobasth duty. Thereafter, the dead body was shifted to M.G.Hospital, Chikkamagaluru for post mortem. Hence, complaint has been lodged to take action against the petitioners and other accused persons.

8. At the very outset, Smt.Bhavana, the learned Public Prosecutor appearing on behalf of the state has argued that the petitioners are involved in serious offence and prima facie case is made out against them and also taken contention that a case has been registered against the petitioner No.2 in Cr.No.24/2020 at Harihara Police Station with regard to Atrocity and he is habit of committing riot in the public. Likewise, two cases have been registered against petitioner No.4 in Cr.No.93/2026 and Cr.No.129/2013 before Narasimharajapura Pollice Station and also several cases have been registered against petitioner No.6 in Cr.No.296/2016, Cr.No.50/2016 and Cr.No.51/2020 and a case has also been registered against petitioner No.8 in Cr.No.61/2016 and all the above said petitioners are having criminal background involving in rioting and crating chaos in the public. In support of her contention, the learned Public Prosecutor has produced copies of criminal registers of petitioner

No.2, petitioner No.4, petitioner No.6 and petitioner No.8, showing that various criminal cases have been registered against them in various police stations, copy of charge sheet filed against petitioner No.8, wherein he is the accused No.2 in Cr.No.61/2016.

9. Per contra Shri.H.M.Sudhakar, the learned counsel for petitioners argued that the petitioners are innocent of the alleged offences and also that the respondent police have registered a false and frivolous case by inserting the names of the petitioners in FIR by making false allegations, even though the petitioners went to the alleged place of incident to see the said incident as general public and they have not at all joined to the alleged incident.
10. With the rival contentions urged by both sides, it is just and necessary to go through the materials available on record. After meticulously going through the contents of complaint, it is forthcoming that the

present petitioners along with other accused persons by forming unlawful assembly said to have gave provocation to general public to protest and shout slogans against the police officials, forest officials and other officials, demanded to give compensation to the family of the deceased who died due to the attack of the wild elephant, blocked the road, restrained the vehicles from moving in the road and disturbed the Government officials from discharging their duty by placing the dead body in the middle of the road and also caused injuries to the police officials who were on Bandobasth duty by throwing stones on them.

11. Furthermore, on perusal of the materials produced on record, there is a prima facie material before this Court to believe that the petitioners are involved in the commission of offence. The punishment for alleged offence under section 353(1)(b) is punishable with imprisonment for 3 years, non-bailable in nature, section 132 of BNS is punishable with imprisonment

for 2 years or fine or both, non-bailable in nature and section 57 of BNS is punishable with imprisonment which may extend to 7 years and fine, non-bailable in nature

12. In the fact situation, in view of the above discussion, this court is of the humble opinion that a prima facie case has been made out by the prosecution regarding the involvement of the petitioners in the crime in question. Further more, the investigation is still in progress and custodial interrogation is necessary. Moreover, the petitioners are involved in the commission of offences of rioting, disturbing the Government officials that too police officers, who are engaged in discharging their public duty by causing injury to their person by pelting stones, blocking the public road thereby restraining the vehicles in the State Highway from proceeding, provoking the general public to shout slogans against the Forest officials and police officials and to take part in the

protest, which are severe in nature. It is not desirable on the part of this court at this stage to come to the conclusion that the petitioners are innocent of the offences alleged against them.

13. Having regard to the facts and circumstances of the case and further having regard to the nature and gravity of accusation and the conduct of the petitioners and also that the petitioner No.2, petitioner No.4, petitioner No.6 and petitioner No.8 are having criminal antecedents and several cases have been registered against them in various police stations and also considering the fact that the petitioners are having the nature of committing rioting, without expressing any opinion on merits or demerits of the case, this court is of the opinion that this is not a fit case to exercise discretion to grant anticipatory bail to the petitioners. Further when there is investigation pending, granting of anticipatory bail would definitely

hamper the investigation of the said case.

Accordingly, I answer Point No.1 in ' Negative '.

14. **Point No.2**:- In view of my findings on Point No.1, I proceed to pass the following;

ORDER

The Petition filed by the
Petitioners under Section 482
of B.N.S.S., is hereby
dismissed.

(Typed my dictation directly on computer by the Stenographer Grade-III, corrected, signed and then pronounced in open court on this the 1st day of April, 2026).

Sd/-

(PRAKASH.V)

C/c II Addl., District and Sessions
Judge, Chikkamagaluru.