



**IN THE COURT OF I ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 13th day of March, 2026

:PRESENT:

**Smt. Bhanumathi B.C., B.A.L., LL.B.,
I Addl. District and Sessions Judge,
Chikkamagaluru**

Crl.Misc.No.158/2026

Petitioners:

1. Parvez Ahmed,
S/o Mohammed Yasin,
Aged about 38 years,
Residing near JVS school,
Machagondanahalli,
Sattihalli post,
Chikkamagaluru.
2. Jibreez Ahmed,
S/o Mohammed Yasin,
Aged about 48 years,
3. Idris Ahmed,
S/o Mohammed Yasin,
Aged about 47 years,
4. Nizamuddin,
S/o Mohammed Yasin,
Aged about 43 years,
5. Gulreez Ahmed,
S/o Mohammed Yasin,
Aged about 44 years,
Petitioners No.2 to 5 are
residing at Idga Mohalla,
Machenahalli village,



Gullanpete,
Chikkamagaluru Taluk.

(Represented by Sri.AKR, Adv)

V/s

Respondent: State by Aldur Police

(Represented by Public
Prosecutor, Chikkamagaluru)

ORDER

The petitioners, who are arraigned as accused No.1 to 5 in CC No.237/2026 (Crime No.123/2025 of Aldur police station) on the file of Prl. Civil Judge and JMFC, Chikkamagaluru have preferred this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS' for brevity) seeking bail in the event of their arrest in said case registered against them for the offences punishable under sections 352, 109(1), 118(1), 118(2), 351(2), 351(3) of Bharatiya Nyaya Sanhita 2023 (hereinafter referred as 'BNS' for the sake of brevity) r/w section 190 of BNS.

2. By reproducing and denying the allegations made in the charge sheet, it is stated by the petitioners that they are innocent and not committed the offences alleged against them, but they have been falsely implicated in the crime in question. The petitioners have also filed a counter case against the complainant and the same is registered in Crime No.125/2025 on the file of respondent police. The petitioner No.3 was a member of Grama Panchayath for two occasions and he is also engaged in social service and in said regard,



an article was published in Prajavani newspaper. The mother of petitioners is in advanced age suffering from age related disease and there is no one to look after her. The complainant by using his political influence has lodged a false complaint against the petitioners as he is a prospective candidate for the upcoming elections. Pursuant to the process issued by the court, they apprehend their arrest by the respondent police and therefore in anticipation of their arrest, the petitioners have come up with this petition seeking anticipatory bail.

3. It is further stated by the petitioners that they are permanently residing at the address shown in the cause title having movable and immovable properties and as such there is no chance of their abscondance if they are let on bail. The petitioners undertake to abide by the terms and conditions that may be imposed by the court for granting bail to them. Inter-alia on these grounds, the petitioners have sought for allowing the petition.

4. On the other hand, the learned Public Prosecutor has resisted the bail application by filing statement of objections with report of the investigating officer. By reproducing the allegations made in the charge sheet, it is contended that after completing investigation, respondent police have submitted charge sheet against the petitioners and the material placed on record prima-facie discloses their involvement in the crime in question. If at this stage, the petitioners are released on bail, they may involve themselves in the commission of similar offences and they may threaten and intimidate the prosecution witnesses as they are economically and politically powerful. The petitioners



remained absconded during investigation and as such absconding charge sheet is laid against them and if they are enlarged on anticipatory bail, they may further flee from justice and thereby hamper the trial. Inter-alia, on these grounds, the Public Prosecutor sought for rejecting the petition.

5. Heard arguments of both sides and perused record.

6. The points that arise for consideration of this court are:

1. Whether petitioners, who are arraigned as accused No.1 to 5 in CC No.237/2026 on the file of Prl. Civil Judge and JMFC, Chikkamagaluru have made out any ground to avail anticipatory bail?
2. What order ?

7. The answers to the above points are as under:

Point No.1 : In Negative
Point No.2 : As per the final order for the following:-

REASONS

(Note:- It is made clear that the observations made by this court in the course of this order is only in respect of considering the bail application and the same has no bearing on the merits of the case.)

8. **Point No.1**: I have carefully perused entire material placed on record. This court is conscious of



the fact that the court cannot and is not supposed to sift the evidence made available on record by the prosecution at the time of deciding the bail petition. However, only for the purpose of deciding whether the petitioners are entitled for bail or not, I proceed to discuss the facts alleged by the prosecution and whatever I say while disposing this bail application cannot be construed as an expression of opinion on the merits of the main case.

9. It is seen from the record that on 06.09.2025, the respondent police registered case in Crime No.123/2025 on the basis of information reported by one Mohammed Afnan, while he was being treated at M.G.hospital, Chikkamagaluru against the petitioners herein for the offences punishable under sections 352, 109, 118(1), 351(2), 351(3) and 190 of BNS and after completing investigation, charge sheet was laid against the accused for the offences punishable under sections 352, 109(1), 118(1), 118(2), 351(2), 351(3) r/w section 190 of BNS before jurisdictional Magistrate, who in turn took cognizance and registered case in CC No.237/2026. The petitioners have come up with this petition seeking anticipatory bail on the premise that they apprehend their arrest pursuant to the process issued by the court.

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10. The case of prosecution in brief is that on 06.09.2025 at about 3.30 p.m, when CW.1-Mohammed Afnan was in his house, the accused No.2 and 3 went near his house and took him near the flex erected in front of Jamia Masjid, Gullanpete and insisted him to show fault if any in said flex and dragged him to the front of the house of one Muneer, then accused No.1, 4



and 5 joined accused No.2 and 3. Then accused No.1 abused CW.1 in filthy language, issued threat to kill him and his family members and assaulted him with a rod on his head, accused No.4 and 5 assaulted him with a club on his right hand and right leg respectively, the accused No.2 took a fiber pipe from the car and assaulted on his back, accused No.4 by showing a katti, threatened to kill him and his family members if he dared to lodge a complaint against them. When CW.2-Siraj Ali intervened, accused No.3 abused him in filthy language by holding his shirt collar and with an intention to kill him assaulted him with a rod on his left hand and caused grievous injury. The accused No.4 and 5 assaulted CW.2 with a club on his both knees and left side of head respectively causing simple injury and issued threat to his life. When CW.3 intervened, the accused No.4 assaulted him with a club on his head, accused No.5 assaulted him with a club on his left leg and back and caused simple injury and issued threat to his life. When CW.4 intervened, the accused No.3 assaulted him with a rod on his lower right leg and left knee, accused No.4 and 5 assaulted him with a club on his waist and lower portion of back respectively and issued threat to his life.

11. As stated above, this court is conscious of the fact that at this stage, the merits or demerits of the case cannot be dwelt upon by holding mini trial as it would prejudice the case of the parties. However, only for the purpose of deciding the present bail petition, I proceed to discuss the facts of the case.

12. In the case on hand, the petitioners being the brothers are alleged to have abused and assaulted the



informant and four others with deadly weapons like iron rod, club and fiber pipe on their person including vital part i.e., head with respect to a quarrel that took place in the matter of erection of a flex in front of Jamia Masjid. As per the wound certificates made available on record, CW.1 suffered 02 inch lacerated wound on left side of scalp with other injuries, CW.2 suffered swelling deformity of left elbow, which was opined as grievous in nature with other injuries, CW.3 suffered lacerated wound on occipital region and other injuries and CW.4 suffered cut lacerated wound over right leg below knee and other injuries.

13. It is contended by learned public prosecutor that the alleged act is endangering the life of informant and other injured and the informant and the other injured by name Tabreez Ali had taken treatment as inpatients for more than a week and as per the material made available on record, the incident took place on 06.09.2025 at around 3.30 p.m and the injured were admitted to the hospital on the same day with the history of assault by these petitioners and even there is no delay as such in reporting the alleged incident to the police and moreover in the cases of this nature, the injured would not have taken the name of any innocent person by leaving his real culprit, whatever may be the animosity. In light of above discussion, this court finds no reason to doubt the allegations leveled against the petitioners at this stage. Though the petitioners have contended that they have been falsely implicated in the crime in question, they have not made out any ground for such false implication. Hence, the contention urged in the said regard is not acceptable at this stage. Having regard to these aspects, this court is of the opinion



that the material placed on record sufficiently makes out a prima facie case against the petitioners as there are reasonable grounds to believe their involvement in the crime in question at this stage.

14. Further it is vehemently argued by the learned Public Prosecutor that the petitioners herein are previously involved in many cases of similar nature and if the petitioners are enlarged on anticipatory bail at this stage, there is every possibility of they repeating the commission of similar offences endangering the lives of innocent public. It is true that nothing has been placed on record to show that the petitioners herein were previously convicted for any of the offences, but a perusal of aforesaid material makes it inevitable for this court to lean in favour of aforesaid contentions urged by the prosecution regarding the possibility of the petitioners repeating similar offences.

15. It is seen from the record that the earlier petition filed by the petitioners in Crl.Misc.No.446/2025 seeking anticipatory bail pertaining to crime in question was rejected by this court on merits and later the petitioners had approached the Hon'ble High Court seeking similar relief in Crl.Petition No.14697/2025 and it was also rejected on merits on 03.12.2025. Thus this is the successive bail application filed by the petitioners seeking anticipatory bail after the rejection of their petition by the Hon'ble High Court. It is settled that the successive bail applications are maintainable only on changed circumstance, but in the case on hand, the petitioners have not made out any changed circumstance to entertain this successive bail application. The learned



counsel for petitioners has contended that the respondent police have already submitted charge sheet by completing investigation and in the said changed circumstance, the petitioners are entitled for bail. In the said regard, it is to be noted that it has been held by Hon'ble Supreme Court and by our Hon'ble High Court in catena of decisions that submission of charge sheet would further strengthen the allegation leveled against the accused and it would not get lessened by the same and as such it cannot be considered as a changed circumstance. Hence, the contention urged by the learned counsel for petitioners in the said regard is not acceptable. Furthermore, the petitioners have not made out any changed circumstance to entertain this petition that too after the rejection of their petition seeking anticipatory bail by the Hon'ble High Court.

16. Further it is seen from the record that though FIR has been registered against these petitioners on 06.09.2025, they remained absconded and not subjected themselves to the investigation though they were aware of the initiation of proceedings against them. The charge sheet has been submitted to the magistrate by showing the petitioners as absconded and owing to the same, this court finds some substance in the contention urged by the public prosecutor that the petitioners are capable of managing things at their whims and fancies. Further, when some serious allegations involving commission of a heinous crime is made, certainly it requires thorough investigation and it cannot be viewed lightly as it would be too early to come to any conclusion regarding the possibilities of the incident in question. It is also seen from the record that the investigation is



still in progress and if at this stage, the petitioners are let on bail, the possibility of they fleeing from justice and involving themselves in the commission of similar offences cannot be ruled out. Further having meticulously perused the material on record, the possibility of petitioners influencing, manipulating or intimidating the witnesses and causing threat to the life of injured cannot be ruled out. Hence, granting bail at this stage to the petitioners herein who are accused of attempting to take the life of informant and remained absconded from the investigation would send a wrong message to the society and further the possibility of the petitioners involving themselves in the commission of similar offences as apprehended by the prosecution cannot be ruled out.

17. Having regard to these peculiar facts and circumstances of the case, this court is of the humble opinion that there is no reason to doubt the case of the prosecution at this stage and the material placed on record makes out a prima facie case against the petitioners and the petitioners have not made out any ground to exercise discretion to enlarge them on pre-arrest bail. Further, if the petitioners are granted with pre-arrest bail at this stage, there is possibility of they fleeing from justice as apprehended by the prosecution. Thus in the facts and circumstances of the case and further having regard to the nature and gravity of accusation made against the petitioners and their conduct, this court is of the opinion that this is not a fit case to exercise discretion to grant anticipatory bail to the petitioners and accordingly, point No.1 is answered in negative.



18. **Point No.2** : In the light of above discussion, I proceed to pass the following:

ORDER

The petition filed under section 482 of BNSS by the accused No.1 to 5 in CC No.237/2026 (Crime No.123/2026) on the file of PrI. Civil Judge and JMFC, Chikkamagaluru is hereby rejected.

(Dictated to the Stenographer Grade-III, typed by her, corrected and pronounced by me in the open court on this 13th day of March, 2026)

[Bhanumathi B.C]
I Addl. District and Sessions Judge
Chikkamagaluru.