

KACM010007182026



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

Dated this the 23rd 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.195/2026

- PETITIONER/S** :
1. Manjula W/o Ramesh Balager,
Aged about 38 years,
R/at: Gantekanive,
Malalichanenahalli,
Tarikere Taluk,
Chikkamagaluru District.
 2. Madhu W/o Krishna,
Aged about 41 years,
R/at: Gantekanive,
H.Rangapura,
Malalichanenahalli,
Tarikere Taluk,
Chikkamagaluru District.
- (Rep. by Shri.K.S.S.P., Advocate)
-V/s-
- RESPONDENT/S** :
1. State by Sakarayapatna Police,
Chikkamagaluru District.
(Rep. by Public prosecutor,
Chikkamagaluru)

2. Praveen K. S/o Kalleshmurthy,
Aged about 38 years,
3. Chethan
Both are R/at:Karadalu Santhe
Village,
Kibbanahalli Post,
Tiptur Taluk,
Tumkur District.

ORDER

The petitioners/accused No.2 and 7 have instituted this petition under section 483 of B.N.S.S., 2023 to release them on bail consequent upon them remanded to judicial custody in the case registered against them by the respondent Police for the offences punishable under sections 310(2), 311 in Crime No.32/2026.

2. The respondent police arrested the accused No.2 and 7 who are the petitioners herein on 11.03.2026 and produced before the jurisdictional Magistrate and they were remanded to judicial custody.
3. In the petition it is stated that, the petitioners have not committed any alleged offences and they are

innocent of the same. It is further submitted that the alleged offences are not punishable with death or life imprisonment. It is submitted that the complainant and his friend has not given the coolie work to the petitioners, as such, they have given false complaint against them. The petitioners are having children whom they should look after and they are eking out their livelihood by doing work, but as they are in judicial custody since from the date of arrest, they are suffering great hardship. The petitioners hail from respectable family and they are having movable and immovable properties. 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.

4. 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 if the petitioners are released on bail, they may abscond from the jurisdiction of the court, hamper the investigation, threaten the complainant and the prosecution witnesses. It is further contended by the prosecution that the petitioners are involved in dacoity at various places in the State and necessary information have to be gathered from them and also that the materials placed on record prima-facie discloses the involvement of the petitioners in the crime in question. Thus, sought for rejection of petition.

5. On service of notice of the petition to the respondent No.2 and 3 by way of affixture, they remained absent.
6. 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 their release on regular bail?

2. What Order?

7. My answers to the above points are ;

Point No.1: In the Negative.

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

REASONS

8. **POINT No.1 :** The materials placed on record would go to show that the respondent Police had registered the case against the petitioners/accused No.2 and 7 and others in Cr.No.32/2026 for the offences punishable under sections 310(2), 311 of BNS., 2023.

9. The brief facts of the prosecution case as per the complaint is that, on 10.03.2026 one Chethan who is the friend of the complainant called him over phone to go to Chikkamagalur, as such, the complainant went in his Innova car bearing registration No.KA-44/M-9524 along with the said Chethan, while proceeding, in the middle of the road, the said

Chethan called one Shiva stating that they are proceeding towards Chikkamagaluru, during that time, the said Shivu told Chethan to pick his relatives at Kadur as they were also going to Chikkamagalur, at about 10 p.m., when the complainant reached near Basaveshwara circle, Kadur, Shravya and Kavya came near the said vehicle and talking with them boarded the said car, at about 2 km., before the Sakharayapatna toll, said Shravya asked the complainant to stop the vehicle as she want to go for washroom, Shravya got down from the said car and there she called through her phone to unknown person and again boarded the car, when the car reached near Hiregouja bus stop, the said Shravya told the complainant that her husband called her through video call and hence, she asked the complainant to stop the vehicle in a dark place, as such, he stopped the vehicle about little far away from Hiregouja bus stop at about 10.45 p.m., Shravya got down from the said car,

during that time, about five unknown persons came in three motor cycles and stopped their vehicles in front of the car of the complainant and thereby one of the said person came near the car and snatched the car key and other persons jammed the car doors, at that time, Shravya came near the car and they started to talk with Shravya as accused No.2 Veena @ Manjula/petitioner No.1 and Kavya as Madhu accused No.7/petitioner No.2 who were well known to each other, said persons pulled the complainant and Chethan from the car and assaulted them with hands and kicked them with legs, one of them by showing the knife asked the complainant to give money, at that time a jeep came from Chikkamagaluru side by making siren, on hearing the same, all of them went inside the car and snatched the car key, took the said car towards Sakharayaptna and stopped the said vehicle behind a school of Sakharayapatna in an interior place, one of the accused, snatched purses belonging to them

and asked to check the amount through his phone, the complainant showed his bank details in the said mobile and threatened the complainant to call anyone and ask them to transfer money to his account, as he has very little amount, as such he called his friend Manjunatha of Chikkamagalur to transfer money to his bank account, said Manjunath asked him as to where he is and as the time is 11.30 p.m, they were not gone to Chikkamagalur, the complainant told him that he is in Sakarayapatna and some persons asked him to give money, as such one of the accused person snatched the mobile from the complainant and proceeded towards Sakharayapatna and when they were proceeding towards Chikkamagalur, a car which came from behind gave signal to stop the vehicle, but they did not stop the vehicle, hence the followers took their vehicle and stopped the vehicle across the road, the inmates of the said car asked them that if they belongs to Manjanna's side, on hearing the same,

the accused persons ran away from the place, but they caught hold of 4 accused persons and one accused person ran away from the place and collected all the details of accused persons, thereafter, police came to the spot and took custody of said accused persons, thereafter, the complainant gave complaint against the accused persons to take necessary action against them. Based on the said complaint, case has been registered against the accused persons.

10. 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 of dacoity and prima facie case is made out against them. In support of her contention has produced copies of remand reports, spot mahazars, seizure mahazars, rough sketch of the place of incident, grounds of arrest and other documents pertaining to the case.

11. Per contra Shri.K.S.Shanthiprakash, the learned counsel for petitioners argued that the petitioners are innocent of the alleged offences and they are in judicial custody from the date of their arrest and there is no serious allegations against the petitioners.
12. With the above contentions, it is just and necessary to go through the materials available on record. Before going into the discussion on the other aspect of the matter, it is just and proper to go through the principles to be borne in mind while considering the petition for bail. It is well settled that matters to be considered in an petition for bail are;
 - “(i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
 - (ii) nature and gravity of the charge;
 - (iii) severity of the punishment in the event of conviction;
 - (iv) danger of the accused absconding or fleeing, if released on bail;

- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being tampered with; and,
- (viii) Danger, of course, of justice being thwarted by grant of bail.

13. By keeping in mind the above principles, the instant petition filed by the petitioners is to be considered. I have carefully gone through the contents of F.I.R., complaint, remand report and other enclosures produced on record, wherein it discloses that the respondent Police has registered case against the petitioners and other accused persons for the offences punishable under Section 310(2), 311 of B.N.S., on the basis of the complaint lodged by the complainant. The contents of remand report discloses that the petitioners were apprehended by the jurisdictional police at the place of incident and also the materials objects used for commission of

offence and the robbed articles were recovered from the possession of petitioners and other accused persons at their instance. Moreover from the voluntary statements given by the petitioners, it appears that, they said to have admitted the commission of offence and also they have shown the place of incident where they have committed dacoity, as such mahazar has been drawn in the presence of panchas.

14. The materials placed on record prima facie establishes the fact that the petitioners along with other accused persons said to have committed the offence of dacoity and robbed the cash and mobile phones belonging to the complainant and one Chethan who are respondent No.2 and 3 by boarding their vehicle and threatening them with dire consequences have committed the above said offences that too during night hours. There is a prima facie material before this Court to believe that the petitioners are involved in the commission of

heinous offence. The offence under section 310(2) of B.N.S., is punishable with imprisonment for life or rigorous imprisonment for 10 years and fine, non-bailable in nature, triable by this Court and section 311 of B.N.S., 2023 is also punishable with imprisonment for not less than 7 years, non-bailable in nature, triable by this Court.

15. Under these circumstances, looking into the gravity of the offence, at this stage it may not be appropriate to release the petitioners on bail. If the petitioners are released on bail, their presence cannot be secured for the trial as they may abscond, tamper the prosecution witnesses and also may pose life threats to the complainant and witnesses, may commit similar offences. The apprehension of prosecution are well founded. Further more investigation in the case is still pending. Hence, I have no hurdles to hold that no exceptional grounds are made out for grant of bail. Accordingly, Point No.1 is answered in the 'Negative'.

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

O R D E R

The Petition filed by the Petitioners
under Section 483 of B.N.S.S., is hereby
dismissed.

(Typed to my dictation directly on computer by the Stenographer Grade-III, corrected, signed and then pronounced in open court on this the 23rd day of April, 2026).

Sd/-
(PRAKASH.V)
C/c II Addl., District and Sessions
Judge, Chikkamagaluru.