

KACM010009272026



Presented on : 17-04-2026
Registered on : 17-04-2026
Decided on : 03-06-2026
Duration : 0 years, 1 month, 17 days

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

**(PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.)
II ADDL. DISTRICT AND SESSIONS JUDGE,
CHIKKAMAGALURU**

DATED THIS THE 3rd DAY OF JUNE, 2026

Crl.Misc./254/2026

PETITIONER/S :

Pavan @ Pammu Dali
S/o Prancis,
Aged about 27 years,
R/o: Pension Mohalla,
Chikkamagaluru.

(By Smt./Sri G.P.H.K., Advocate),

-V/s-

RESPONDENT/S :

1. State by Basavanahalli Police
Station, Chikkamagaluru

(By learned Public Prosecutor)

2. Poodum Murari
S/o Pradhan Murari,
R/o: River mist resort,
Samse Village,
Kalasa Taluk,
Chikkamagaluru District.
Permanent Resident:
Kolakhowa Gozal Village,
Disbrugarh District,
Assam State.

: ORDERS ON BAIL PETITION FILED U/SEC.482 OF BNSS :

The petition filed by the petitioner / Accused U/s.482 of BNSS, with a prayer to grant him an order of bail with respect to Cr.No.26/2026 of Respondent Police Station registered for the offences punishable under Sec.309(6), 351(2), 115(2) r-w 3(5) of B.N.S., 2023.

2. Grounds for bail : The petitioner contend that the case has been lodged against him with mala fide intent to illegally arrest him and to subject him to mental and physical harassment.

3. The petitioner further asserts that he is respectable individual, well-rooted in society. The petitioner further submits that all the alleged offences are bailable in nature except section 309(6) of BNS.,and as per the requirements of said section, the presence of grievous injury is essential to attract the said provision, however, in the present case, there is no injury and not even a simple injury sustained by any person.

Therefore, the essential ingredients of section 309(6) of BNS., is not satisfied. Further, he is the permanent resident at the address mentioned in the cause title. He argues that, if he is arrested by the respondent police, his reputation in society will be tarnished. He claims that a false complaint has been filed solely to harass him and damage his social standing. Consequently, the petitioner is under a reasonable apprehension of being arrested by the respondent police.

4. The petitioner submits that if granted bail, he is willing to comply with any conditions imposed by the court and prepared to furnish sufficient surety for the satisfaction of the court. Hence, petitioner pray for relief of anticipatory bail in respect of his arrest by the police.

5. On the other hand, the learned Public Prosecutor (PP) filed objections to the petition along with the report of IO, contending that, if the petitioner is released on bail, there is a possibility of interference with the investigation by the Investigating Officer (IO) and a risk of tampering with prosecution witnesses or evidence and also that he may commit similar offences. The learned PP further contended that the petitioner has not provided sufficient reasons for granting bail. Hence, she prayed for the bail petition to be rejected.

6. Upon perusal of the petition, objections, FIR, and IO report, I have framed the following points for consideration:

1. Whether the petitioner is entitled to the relief of bail under Section 482 of BNSS?

2. What order?

7. My answers to the above points are as follows:

Point No.1: In the Affirmative

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

REASONS

8. **Point no 1** :- According to the informant, he is working in a resort. On 10.03.2026, as it was a holiday for him, he went to Chikkamagaluru. Thereafter, at about 10.30 a.m., he received a salary cheque from the manager of the resort and encashed the same. Subsequently, he went to a mobile shop and purchased mobile phones for himself and his friend. While returning to the resort at about 01.00 p.m., and when he reached the outskirts of the town at about 02.30 p.m., some of his friends came on a motorcycle and took him to a remote place. Other friends also joined them there. According to the informant, they assaulted him and snatched both the mobile phones as well as cash of ₹3,600/- and thereafter fled away. Subsequently, he informed the same to his manager and lodged a complaint against the petitioner and others before the respondent police.

9. During the course of arguments, the learned counsel appearing for the petitioner argued and contended that the petitioner was not present along with the informant at the time of the alleged incident and that a false allegation has been made against him. Further, he contended that except for the offence punishable under Section 309(9) of the BNS, all other allegations are bailable in nature. The learned counsel further submitted that the other accused persons have already been released on bail by the learned Magistrate and, therefore, on the ground of parity, the petitioner is also entitled to the relief of bail. It was further contended that the petitioner comes from a respectable family and possesses sufficient immovable properties. Hence, there is no likelihood of his absconding. The learned counsel further submitted that bail is the rule and jail is the exception and that the petitioner is ready to abide by any conditions that may be imposed by the Court and is also ready to furnish substantial sureties for securing his presence during the course of the proceedings. It was also submitted that the petitioner is ready to cooperate with the Investigating Agency. On all these grounds, the learned counsel prayed for allowing the bail petition.

10. In contrast, the learned Public Prosecutor contended that serious allegations have been made against the petitioner and other accused persons regarding the robbery of valuable articles belonging to the informant. It was further contended that the investigation is still pending and that the petitioner is required for further investigation. The learned Public Prosecutor also submitted that if the petitioner is

enlarged on bail, there is a likelihood of his absconding, interfering with the investigation, and tampering with the prosecution evidence. On these grounds, the learned Public Prosecutor prayed for rejection of the bail petition.

11. I have gone through the entire material placed on record by both sides. The core issue that requires consideration at this stage is whether the petitioner is entitled to the relief of anticipatory bail. It is well settled that when a prima facie case is made out, the Court has to exercise caution while granting anticipatory bail. Furthermore, before granting such relief, the Court has to consider the severity and gravity of the offence alleged, as well as the possibility of the petitioner absconding or tampering with the prosecution evidence.

12. In the instant case, although a serious allegation of robbery has been made against the petitioner, a plain reading of the complaint creates certain prima facie doubts in the mind of the Court at this stage. Further, the materials placed before the Court disclose that the petitioner is a resident within the jurisdiction of the respondent police and that substantial investigation has already been completed. It is also brought to the notice of the Court that the other accused persons have already been released on bail and that the recovery has already been effected by the Investigating Agency.

13. At this stage, the crucial question that arises for consideration is whether the custodial interrogation of the petitioner is necessary. The records indicate that substantial investigation has already been completed and the recovery has been effected. In such circumstances, the custodial interrogation of the petitioner does not appear to be necessary. It is also evident that the petitioner is under apprehension of arrest.

14. The prosecution has expressed an apprehension that if the petitioner is enlarged on bail, there is a possibility of threatening the prosecution witnesses or tampering with the evidence. However, such apprehension can be adequately addressed by imposing stringent conditions while granting bail. Moreover, grant of anticipatory bail by itself does not impede or stall the investigation. The Investigating Officer is always at liberty to secure the presence of the petitioner whenever required for the purpose of further investigation. It is also pertinent to note that the petitioner is admittedly known to the informant and, therefore, no test identification of the petitioner is required.

15. Considering all the above facts and circumstances, this Court is of the opinion that the petitioner has made out sufficient grounds for grant of anticipatory bail. Accordingly, Point No.1 is answered in the **Affirmative.**

16. **Point No.2 :-** In view of the finding of this court on point No.1, I proceed to pass the following :-

ORDER

The Petition filed by the petitioner / accused U/s.482 of BNSS, is hereby allowed.

Petitioner is ordered to be released on bail in the event of his arrest in Cr. No.26/2026 of Respondent police station, for the offences punishable U/Sec.309(6), 351(2), 115(2) r-w 3(5) of BNS., 2023, on executing his personal bond for Rs.50,000/-, with a surety for like-sum, and subject to following conditions : -

- 1) Petitioner shall surrender before the IO within 10 days from today.
- 2) He shall co-operate with the IO in proper investigation of the case.
- 3) He shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.
- 4) He shall not commit similar type of offences in future.
- 5) He shall appear before court regularly and shall furnish bond and surety as and when directed by the court.

6) He shall provide the address proof before the IO and court.

The violation of the above conditions entails cancellation of the bail.

(Directly dictated to the Stenographer Grade-III on the computer, corrected, singed and then pronounced by me in the open court on this the 3rd day of June 2026),

Sd/-

(Praveen Kumar. R.N,)
II ADDL. DISTRICT & SESSIONS JUDGE,
Chikkamagaluru.

-00-

Order pronounced in the open court
(Vide separate order)

O R D E R

The Petition filed by the
petitioner / accused U/s.482 of BNSS, is
hereby allowed, subject to conditions.

II ADJ, Chikkamagalur.