



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

Dated this the 8th day of April, 2026

PRESENT

SMT. BHANUMATHI. B.C., B.A.L., LL.B.,
I Addl. District & Sessions Judge,
Chikkamagaluru

Crl.Misc.No.205/2026

Petitioners:

1. Sujith C.G.,
S/o Ganapathi,
Aged about 33 years,

2. Sunil C.G.,
S/o Ganapathi,
Aged about 35 years,

Both are residing at
Dinnekere village,
Kuduvalli post,
Vasthare Hobli,
Chikkamagaluru Taluk.

(Represented by Sri.KSSC, Adv)

-VS-

Respondents:

1. State by Gonibeedu police
(Represented by Public
Prosecutor, Chikkamagaluru)

2. H.N.Krishnegowda,
S/o Not known,
Major,



3. Smt.M.G.Renuka,
W/o H.N.Krishnegowda,
Aged about 53 years,

Respondents No.2 and 3 are
residing at Hesagodu,
Banakal Hobli, Mudigere Taluk,
Chikkamagaluru District.

(R2 and R3 are represented by
Sri.BMLG, Adv)

ORDER

The petitioners, who are arraigned as accused No.2 and 3 in Crime No.17/2026 on the file of Gonibeedu police station have filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred as 'BNSS' for the sake of brevity) seeking bail in the event of their arrest in said case registered against them for the offences punishable under sections 329(3), 352, 351(2), 109 and 309(4) of Bharatiya Nyaya Sanhita 2023 (hereinafter referred as 'BNS' for the sake of brevity).

2. By reproducing and denying the allegations made in the FIR, it is contended by the petitioners that they are innocent of the alleged offences, but a false case has been foisted against them. That initially the accused No.3 i.e., petitioner No.2 herein lodged a complaint before respondent police against the husband of the informant herein and two others, which is registered in Crime No.16/2026 for the



offences punishable under sections 131, 352, 351(2), 115(2) and 309(4) of BNS and therein the name of husband of informant herein is mentioned as Gopala Gowda, he is also called by name H.N.Krishnegowda i.e., the respondent No.2 herein and as a counter blast, the informant has foisted this false case against the petitioners by making false allegations. By registering the case against them, the respondent police are trying to apprehend them and therefore in the 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 deep roots in the society and as such there is no chance of their abscondance if let on bail. The petitioners are ready to abide by the terms and conditions that may be imposed by the court and also ready to furnish surety for enlarging them on pre-arrest bail in said case to the satisfaction of the court. Inter-alia on these grounds, the petitioners sought for allowing the petition.

4. The learned Public Prosecutor has resisted the above petition by filing statement of objections with report of investigating officer. By reproducing the allegations made in the FIR, it is contended by the prosecution that in the course of investigation, the investigating officer visited the spot, conducted detailed mahazar, recorded the statements of witnesses and the investigation is still in progress, but the material placed on record prima-facie establishes the involvement of the petitioners in the crime in question. The petitioners are politically and



economically influential and if at this stage, the petitioners are released on bail, they may intimidate, threaten or influence the prosecution witnesses, flee from investigation and hamper the same and they may also involve themselves in the commission of similar offences. Inter-alia, on these grounds, the Public Prosecutor sought for rejecting the petition.

5. The presence of informant and victim, who are arraigned as respondent No.2 and 3 has been secured and they appeared through the counsel of their choice and adopted the objections filed by the prosecution by filing memo to that effect.

6. Heard arguments of both sides and perused record.

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

1. Whether petitioners, who are arraigned as accused No.2 and 3 in Crime No.17/2026 on the file of Gonibeedu police station have made out any ground to avail anticipatory bail in the said case?

2. What order ?

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

Point No.1: In Affirmative,

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



REASONS

9. **Point No.1:-** I have carefully perused the 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 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.

10. It is seen from the record that on 15.02.2026, the respondent police registered case in Crime No.17/2026 on the basis of complaint reported by one M.G.Renuka, the respondent No.3 herein against accused No.1 to 3 for the offences punishable under sections 329(3), 352, 351(2), 109 and 309(4) of BNS.

11. It is alleged by the informant that they had grown coffee and pepper in the land belonging to her husband by name H.N.Krishne Gowda bearing Sy.No.281 of Byduvalli village to an extent of 03 acres and 12 guntas, but they had not harvested the crop. When such being the case on 14.02.2026 at about 4 p.m, when her husband had been to said land, he found the accused and other 20 workers stealthily carrying around 4000 kgs of coffee grown in said land in a Mahindra vehicle bearing registration No.KA-18/7733 and when her husband questioned them, the accused No.1 abused him in filthy language and attempted to run Force goods vehicle on him. The



accused No.1 issued threat to his life by pointing a gun towards his chest. When her husband tried to escape, the accused No.2 and 3 i.e., the petitioners herein held and pushed him to the ground, assaulted him with a club and snatched his gold chain. The accused No.1 told the petitioners to hold him and to kill him. Thereafter, she and her husband went to respondent police station to lodge complaint, but on learning that the accused No.1 had also come over there, they returned home due to fear. Later after having discussion with their relatives, she reported complaint to the police seeking action against accused.

12. It is contended by the petitioners that they are innocent of the alleged offences, but they have been falsely implicated in the crime in question by the informant on account of existence of dispute between them regarding some landed property.

13. As per the allegations made in first information report, the genesis of the crime in question is the dispute between the parties with respect to some landed property. It is contended by the learned counsel for the petitioners that owing to the civil dispute, the informant has falsely implicated the petitioners in the crime in question. Further though it is alleged by the informant that the petitioners herein had assaulted her husband assaulted with club, it is not her case that he has taken treatment in the said regard in any of the hospitals. Further it is pertinent to note that no MLC intimation to the effect that the informant's husband had taken treatment in any of the hospitals with the history of alleged assault has been received by the respondent police. It is also



relevant to note that the aforesaid information has been reported by the informant personally to the police at the station. Moreover even while hearing the bail application, the prosecution has not submitted any material on record to show that the informant's husband indeed had suffered any injuries in the alleged incident and in the said regard he had taken treatment. Thus absolutely no material has been placed on record at this stage to assess the nature and injuries said to have been suffered by the informant's husband as well as the seriousness of the allegations leveled against the petitioners.

14. It is also contended by the learned counsel for the petitioners that there is inordinate delay in reporting the alleged incident to the police and the same is not explained by the informant at this stage and the delay in the said regard clearly establishes that the allegations leveled against the petitioners are the result of afterthought and baseless.

15. Further by producing the copies of complaint and FIR in Crime No.16/2026, it is contended by the learned counsel for the petitioners that said case has been registered by respondent police against husband of the informant herein and two others on the basis of the complaint reported by one Sunil C. G, the accused No.3 on 14.02.2026 and as a counter blast, the present case came to be registered against the petitioners and another in Crime No.17/2026 on 15.02.2026.

16. From the careful perusal of the material placed on record, prima facie it appears that there exists a



dispute between the complainant party and the accused No.1 with respect to some landed property and in said backdrop, both complainant and accused parties have filed complaints against each other by making different allegations in respect of the alleged incident. In view of the same, the possibility of complainant giving the colour of criminal nature to some civil litigation cannot be ruled out. By considering the aspects discussed above, this court is of the humble opinion that the question whether the allegations and the material placed on record are sufficient to invoke the offence punishable under section 109 of BNS is yet to be unearthed in the investigation having regard to the allegations made in the complaint coupled with fact that no medical report is made available on record at this stage.

17. As the provision of anticipatory bail are based on the discretion of the court, it is the duty of the court to balance the wheel of justice in such a manner that the provisions of law are not misused by any party nor the right of the accused of bail not jail be denied if the balance of probabilities incline in favour of the accused while following the procedure established by law. Further while dealing with an application for grant of anticipatory bail, in addition to the nature and gravity of offence and other aspects, the court is also required to see whether the accusation has been made to insult or humiliate the applicant by having him arrested.

18. As noted above, in respect of civil dispute, the complainant and accused parties have reported complaints against each other with different versions and moreover no medical document has been placed



on record to ascertain the nature and gravity of the accusation levelled against the petitioners. Having regard to these aspects, this court is of the humble opinion that the veracity of the allegations made by the complainant against the petitioners and the question as to which party is the aggressor responsible for the alleged incident are required to be unearthed in the investigation. As the case has been registered against the petitioners for non-bailable offences, the apprehension of arrest on the part of petitioners appear to be well founded and until the veracity of the allegations is tested, the possibility of petitioners becoming the subject of humiliation if arrested cannot be ruled out.

19. Besides that though the offences alleged against the petitioners are non-bailable in nature, those are not exclusively punishable with death or imprisonment for life. Further it is not the case of prosecution that the petitioners are having criminal antecedents and their presence is required for custodial interrogation. The petitioners are shown to be the resident at the address shown in the cause title situated within the jurisdiction of the court and further they are ready to abide by the terms and conditions to be imposed by the court for letting them on bail and to co-operate with the investigation. Further there is nothing on record to show that it is not possible to secure the presence of the petitioners for investigation and trial without arresting and detaining them in custody. Further, there is nothing on record to show that the petitioners herein are placed in such a position that they are able to influence, intimidate and threaten the prosecution



witnesses and to tamper its evidence.

20. Having regard to the peculiar facts and circumstances of this case, this court is of the opinion that the allegations leveled against the petitioners are required to be unearthed in the investigation and the prosecution has not made out any compelling ground to deny pre-arrest bail to the petitioners. The apprehension on the part of prosecution can be safeguarded by imposing suitable conditions. Hence, this court is of the humble opinion that the petitioners have made out a ground to exercise discretion to grant anticipatory bail to them. Accordingly, Point No.1 is answered in the ***Affirmative.***

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

ORDER

The petition filed under section 482 of BNSS is allowed.

The petitioners, who are arraigned as accused No.2 and 3 in Crime No.17/2026 on the file of Gonibeedu police station are ordered to be enlarged on bail in said case registered for the offences punishable under sections 329(3), 352, 351(2), 109 and 309(4) of Bharatiya Nyaya Sanhita 2023 on the following conditions:-

- 1) The petitioners shall appear before investigating officer within twelve days from today and shall execute personal bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only) each



with two sureties for the like sum to the satisfaction of the investigating officer.

- 2) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing such facts to the court or to any police officer.
- 3) They shall mark their attendance before the respondent police on 1st and 15th day of every month till submission of final report or three months from the date of this order, which ever is earlier.
- 4) They shall make themselves available for interrogation by the police officer as and when required.
- 5) They shall not involve themselves in commission of similar offences.

In case of violation of any of the conditions imposed above, the prosecution is at liberty to seek cancellation of bail.

(Dictated to the Stenographer Grade-III, typed by her, corrected and pronounced by me in the open court on this 8th day of April, 2026).

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