



**IN THE COURT OF 1<sup>ST</sup> ADDITIONAL DISTRICT & SESSIONS  
JUDGE AT CHIKKAMAGALURU**

**PRESENT : KIRAN KINI,  
1<sup>st</sup> ADDL. DISTRICT & SESSIONS JUDGE,  
CHIKKAMAGALURU.**

**DATED THIS THE 20<sup>TH</sup> DAY OF JUNE, 2026**

**CRL. MISC. NO.319/2026**

Shivanaika,  
S/o Yogesh,  
Aged about 29 years,  
R/o Sompura Village, Lakkavalli Hobli,  
Tarikere Taluk,  
Chikkamagaluru.

.....**Petitioner**

**[Represented by Sri. SK, Advocate]**

**V/s**

1. State by Lakkavalli Police
2. Ranjitha,  
W/o Shivanaika,  
Aged about 28 years,
3. Gangibayi,  
Aged about 28 years,
4. Sarojabayi,  
Aged about 28 years,  
All are residents of Sompura Village,  
Lakkavalli Hobli, Tarikere Taluk,  
Chikkamagaluru District.

.....**Respondents**

**[R1 is represented by learned Public Prosecutor  
R2 to R4 are represented by Sri.NTP, Advocate]**



**ORDER**

1. It is a petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita for the grant of bail to the petitioner.
2. It is the contention of the petitioner that the respondent has registered in Crime No.35/2026 for the offences punishable under sections 85, 329(4), 352, 351(2), 115(2) and 109 of Bharatiya Nyaya Sanhita and that he has not committed any offence and he has been falsely implicated and he is permanent resident of the address shown and the offences are not punishable with death and he has no past criminal antecedent and he is ready to cooperate to the investigation and to offer necessary surety and ready to abide by any condition that may be imposed on him and hence, has prayed for his enlargement on bail.
3. The prosecution has filed the objections denying all the contentions of the petitioner and has contended that the petitioner has committed the alleged offences as alleged in the first information and if he is enlarged on bail, he may commit similar offence and tamper with prosecution witnesses and hamper the investigation and he may abscond and hence, has prayed for dismissal of the petition.
4. I have heard the arguments.



5. The following points arise for my consideration are:

**1. Whether the petitioner is entitled for bail as sought for?**

**2. What Order?**

6. My findings on the above points are as follows, for the following:-

Point No. 1 : In the **Affirmative**.

Point No. 2 : As per final order.

### **REASONS**

7. **Point No. 1 :**

**a.** It is not in dispute that Crime No.35/2026 for the offences punishable under sections 85, 329(4), 352, 351(2), 115(2) and 109 of Bharatiya Nyaya Sanhita.

**b.** On perusal of the materials on record, it gets clear that the victims have not sustained any grievous injury capable of leading to death of the victims. Further all the victims are not still in hospital. Further the alleged offences are not punishable with death. Whether there was an attempt to murder or not is a matter to be decided on trial. Further the I.O has not sought for requirement of the petitioner for any investigation either custodial or otherwise. Whether the petitioner has committed the said offences or not is a matter to be decided on trial. If the petitioner is kept



behind the bars, it would amount to violation of his personal liberty as the materials on record prima facie do not show the commission of the alleged offences. Further, keeping the petitioner behind the bars would amount to sentencing before conviction. The offences alleged are not punishable with death. On perusal of the materials on record, it gets clear that, the petitioner is the resident of Sompura village of Tarikere Taluk and hence, there is no possibility of his absconding.

c. The apprehension of the prosecution may be duly met with by imposing strict conditions.

d. Hence, I answer the above point accordingly.

8. **Point No. 2 :**

For the reasons discussed herein-above, I proceed to pass the following: -

**ORDER**

1. The petition filed by petitioner for grant of bail in Crime No.35/2026 of Lakkavalli Police Station for the offences punishable under Sections 85, 329(4), 352, 351(2), 115(2) and 109 of Bharatiya Nyaya Sanhita is hereby allowed on the following :-

**CONDITIONS**

- (a) The petitioner shall execute bail bond for



Rs.5,00,000/- with two sureties for the like sum.

- (b) The petitioner shall not tamper the prosecution witnesses or hamper the investigation, in any manner.
- (c) The petitioner shall not have any nexus with either the first informant or the victims or any other witness, in any manner.
- (d) The petitioner shall appear before the concerned court without single default and the petitioner shall not be entitled for even recall of NBW or bail in future.
- (e) The petitioner shall appear before the Investigating Officer on such other dates and such other time as required by the Investigating Officer.
- (f) The petitioner shall assist the Investigating Officer in due completion of the investigation in the manner required by the Investigating Officer.
- (g) The petitioner shall not involve in any other criminal case of similar nature or any other.
- (h) The petitioner shall not leave India without the permission of the concerned Court.
- (i) If the petitioner does not comply any of the conditions, the prosecution is at liberty to move for cancellation of the bail.



2. The petition is accordingly disposed off.

(Dictated to Stenographer Grade-III, directly on the computer, typed by her, corrected and pronounced by me in open Court on this 20<sup>th</sup> day of June 2026).

**(KIRAN KINI)**  
**1<sup>st</sup> ADDL. DISTRICT & SESSIONS JUDGE,**  
**CHIKKAMAGALURU.**