



**IN THE COURT OF 1ST ADDITIONAL DISTRICT & SESSIONS
JUDGE AT CHIKKAMAGALURU**

**PRESENT : KIRAN KINI,
1st ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU.**

DATED THIS THE 7th DAY OF JULY, 2026

CRL. MISC. NO.323/2026

1. Irfan @ Dicchi Irfan,
S/o late Anwar Khan,
Aged about 36 years,
Residing opposite Model School,
Uppalli, Chikkamagaluru.
2. Junaid,
S/o Imrah Khureshi,
Aged about 26 years,
R/o Noorani Masjid,
Taraginapete,
Gowri Kaluve,
Chikkamagaluru.

.....**Petitioners**

[Represented by Sri P.E.S, Advocate]

V/s

1. State by Town Police,
Chikkamagaluru.
2. Smt.Poornima,
W/o Mallikarjuna,
Aged about 51 years,
R/o Mulleshwara Nilaya,
Motor Ganganna road,
Kuvempu Nagara, Kote,
Chikkamagaluru.

.....**Respondents**

[Both are represented by Ld. Public Prosecutor]

**ORDER**

1. It is a petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita for the grant of bail to the petitioners.
2. It is the contention of the petitioners that the respondent has registered a case in Crime No.69/2026 for the offence punishable under section 309(4) of Bharatiya Nyaya Sanhita and they have not committed any offence and they have been falsely implicated and they are permanent residents of the addresses shown and they have no past criminal antecedents and they are ready to cooperate to the investigation and to offer necessary surety and hence, have prayed for their enlargement on bail.
3. The prosecution has filed the objections denying all the contentions of the petitioners and has contended that if they are enlarged on bail, they may commit similar offences and they may hamper the investigation and tamper with prosecution witnesses and the petitioners are habitual offenders 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 petitioners are 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 the I.O. has registered a crime in Crime No.69/2026 for the offence punishable under section 309(4) of Bharatiya Nyaya Sanhita.
- b. It is not in dispute that the offence alleged is not punishable with death or imprisonment for life.
- c. On perusal of the materials on record, it gets clear that the Investigating Officer has not sought for requirement of the petitioners for custodial interrogation. Since the petitioners are not required for custodial interrogation, keeping them behind the bars, serves no purpose. Unless and until the commission of the offence is proved, the petitioners are required to be considered as innocents. It is argument of learned public prosecutor that the offence was committed



in front of court complex and hence, bail should not be given. The location of the offence does not decide the rejection of the bail.

- d. The apprehension of the prosecution may be duly met with by imposing strict conditions.
- e. 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 petitioners for grant of bail in Crime No.69/2026 of Town Police station, Chikkamagaluru for the offence punishable under section 309(4) of Bharatiya Nyaya Sanhita, is hereby allowed subject to the following:

CONDITIONS

- (a) The petitioners shall execute bail bond for Rs.5,00,000/- **each** with two sureties for the like sum.
- (b) The petitioners shall not tamper the prosecution witnesses in any manner.



- (c) The petitioners shall not have any nexus with either the first informant or the victim or any other witness, in any manner.
- (d) The petitioners shall appear before the concerned court without single default and the petitioners shall not be entitled for even recall of NBW or bail in future.
- (e) The petitioners shall not involve in any other criminal case of similar nature or any other.
- (f) The petitioners shall not leave India without the permission of the concerned Court.
- (g) The petitioners shall appear before the Investigating Officer on every 15th and last date of every calendar month in between 10-00 AM and 5-00 PM and on such other dates at the required time as may be required by the Investigating Officer till the filing of the charge-sheet.
- (h) The petitioners shall assist the Investigating Officer in due completion of the investigation in the manner required by the Investigating Officer.
- (i) If the petitioners do 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 7th day of July, 2026).

(KIRAN KINI)
1st ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU