

KACM010012132026



Presented on : 01-06-2026
Registered on : 01-06-2026
Decided on : 01-07-2026
Duration : 0 years, 1 month, 0 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 1st DAY OF JULY, 2026

Crl.Misc./350/2026

PETITIONER/S :

Khalim @ Kalimulla,
S/o Roshan,
Aged about 32 years,
Near Sarvodaya School,
Tippunagar,
Chikkamagaluru.

(By Smt./Sri.D.C.P., Advocate),

-V/s-

RESPONDENT/S :

State by Town Police Station,
Chikkamagaluru

(By learned Public Prosecutor)

: 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.95/2026 of Respondent Police Station registered for the offences punishable under Sec.352, 109(1), 118(1) 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. 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 prayed 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 and the victim are doing business at the same place and if the petitioner is released on bail, there are chances of again the petitioner picking up quarrel with the victim and also assaulting him brutally. Further, 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, since from 7 months, he was going along with his uncle for a business in the market and at that time, one Javid is also coming along with them. Further according to the informant, on 20.05.2026 around 7 a.m., he went along with his uncle and Javid in Ashok Leyland Goods vehicle for business at Chikkamagaluru Santhe market and started doing their business behind the Santhe market. Further according to the informant, around 11 am., his relative came there and he took his uncle towards APMC market and at that time, he and Javid was in the shop. Further according to the informant, around 1.30 p.m., the accused who is also a shop keeper besides them, started to abuse him in filthy language and when the informant questioned him, the petitioner suddenly started to assault and in order to commit murder, assaulted on the backside of the ear with a scissor and also attempted to stab with a knife. Further the petitioner had also stabbed the forefingers of Javid, when Javid interfered. Further according to the informant, when Javid came to pacify the quarrel, the petitioner stabbed the informant on his left side of waist with a knife. On these grounds, the informant had given information to the police in the hospital.

9. During the course of arguments, the learned counsel appearing for the petitioner argued and contended that the petitioner did not committed the offences as alleged by the informant in the information. Further the counsel contended that there is some prolonged dispute between both of them and in order to take the revenge, the false case has been foisted against the petitioner. Further the counsel contended that no serious injuries were sustained to the injured/informant and he is already discharged from the hospital. Further the counsel contended that the petitioner is coming from respectable family and he is ready to obey all the conditions imposed by the Court and also he is ready to give substantial surety for his secure in the future. Further the counsel contended that already substantial investigation is completed and the personal custodial interrogation of the petitioner not requires. On all these grounds, the learned counsel prayed for allowing the bail petition.

10. In contrast, the learned Public Prosecutor contended that serious allegations of attempt to murder has been alleged against the petitioner. Further the Public Prosecutor contended that when there is a prima facie case is made out and reasonable grounds shows involvement of the petitioner in the crime, then at the stage of investigation, it is not correct to grant an anticipatory bail. Further the Public Prosecutor contended that the custodial interrogation of the petitioner is very much necessary and some of the incriminating material has to be secured through the petitioner is pending. Further the Public Prosecutor contended that, if at this stage, the bail is

granted, there is likelihood of absconding or fleeing with the justice or threatening the prosecution witnesses or tampering the prosecution evidence. Further the Public Prosecutor contended that when the matter is in the investigation stage and without examining the material witnesses, it is not correct to grant an anticipatory bail. 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 true that the serious allegation is made against the petitioner stating that he attempted to commit murder of the informant and another by using the deadly weapons. However the document would show that both the injured witnesses have sustained simple injuries in nature. Even though the injuries is not the criteria to attract Sec.109 of BNS, however on perusal of the seriousness and gravity of the offence, here at this stage, it looks like some prima facie doubt regarding the information lodged by the informant. Furthermore, here at this stage, it would show that the partial investigation is already completed and custodial interrogation is not required.

12. It is the apprehension of the State that, if the petitioner is released on bail, there is likelihood of his absconding or threatening the prosecution witnesses or tampering with the prosecution evidence.

When such apprehension is made, it is the duty on the part of the Court to see its gravity and seriousness of the case as well as other apprehensions of the State. Here at this stage, it would show that the petitioner is coming from the cause title address and he is having his own properties situated in that address. It appears that, there is less chances of absconding. Furthermore, the other apprehension is concerned, by imposing adequate conditions that can be addressed. So by considering all the above, here at this stage, it would show that the petitioner has made out sufficient grounds to allow the bail petition. Accordingly, Point No.1 is answered in the **Affirmative**.

13. **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.95/2026 of Respondent police station, for the offences punishable U/Sec.352, 109(1), 118(1) 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 1st day of July, 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.