



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

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

DATED THIS THE 6TH DAY OF JULY, 2026

CRL. MISC. NO.357/2026

Madhusudhan,
S/o late Basavarajappa,
Aged about 38 years,
Coolie,
R/o Geramaradi village,
Tarikere Taluk,
Chikkamagaluru District.

.....**Petitioner**

**[Represented by Sri.CPD, Chief Legal
Aid Defence counsel, Chikkamagaluru]**

V/s

The State by Tarikere Town Police.

.....**Respondent**

[Represented by learned Public Prosecutor]

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.103/2026 for the offences punishable under Sections 74, 352, 351(3), 118(2) and 109(1) 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 offence is 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.103/2026 for the offences punishable under sections 74, 352, 351(3), 118(2) and 109(1) of Bharatiya Nyaya Sanhita.
- b.** On perusal of the materials on record, it gets clear that the victim has been discharged from the hospital. Hence, there is no possibility of aggravation of the offence. Whether the petitioner has committed the said offences or not is a matter to be decided on trial. In the case on hand, the I.O. has not sought for requirement of the petitioner for any interrogation either custodial or otherwise. 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 offence. 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 Geremaradi 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.103/2026 of Tarikere Town Police Station for the offences punishable under Sections 74, 352, 351(3), 118(2) and 109(1) 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 victim or any other witness, in any manner.
- (d) The petitioner shall appear before the concerned court without single default.
- (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 6th day of July 2026).

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