



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

Dated this the 9th day of April, 2026

:PRESENT:

**Smt. Bhanumathi B.C., B.A.L., LL.B.,
I Addl. District & Sessions Judge,
Chikkamagaluru**

Crl. Misc.No.184/2026

Petitioners:

1. Rangappa,
S/o late Manappa,
Aged about 67 years,
2. Manjamma,
W/o Rangappa,
Aged about 44 years,
3. Nagaraja,
S/o Rangappa,
Aged about 34 years,
Petitioners No.1 to 3 are
residing at Nagabhoganahalli,
Tarikere Taluk.
4. Raghu,
S/o Kumar Bovi,
Aged about 34 years,
5. Thimmamma @ Thimmakka,
W/o Kumarbovi,
Aged about 50 years,
6. Kumar Bovi,
S/o Nagaraj Bovi,
Aged about 71 years,



7. Nagarathna,
W/o Thippeshappa Bovi,
Aged about 41 years,
8. Devi
W/o Krishna Bovi,
Aged about 38 years,
9. Annappa,
S/o Nagabovi,
Aged about 49 years,
Petitioners No.4 to 9 are
residing at Bukkambudi,
Ajjampura Taluk,
Chikkamagaluru District.

(Represented by Sri.KSA, Adv)

V/s

Respondents:

1. State by Ajjampura police
2. Umesh, S/o Channabasappa,
Aged about 68 years,
R/at Nagabhoganahalli,
Tarikere Taluk,
Chikkamagaluru District.

(Represented by Public
Prosecutor, Chikkamagaluru)

ORDER

The petitioners, who are arraigned as accused No.1 to 9 in Crime No.74/2026 on the file of Ajjampura police station have preferred 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 189(2), 189(4), 329(3), 352, 115(2), 118(1), 351(2), 119(1), 191(2) of Bharatiya Nyaya Sanhita 2023 (hereinafter referred as 'BNS' for the sake of brevity) r/w section 190 of BNS.

2. By reproducing and denying the allegations made in the complaint, it is stated by the petitioners that they are innocent of the alleged offences, but a false case has been registered against them. That on the complaint lodged by the petitioner No.7 herein, the respondent police have registered a case in Crime No.73/2026 against the informant herein for the offences punishable under sections 352, 115(2) and 351(2) of BNS and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and as a counter blast, the present false complaint is filed against the petitioners. By registering the case against them, the respondent police are trying to arrest the petitioners and therefore in anticipation of their arrest, they have come up with this petition seeking anticipatory bail.

3. It is further stated that the petitioners are permanently residing at the address shown in the cause title having movable and immovable properties and deep roots in the society and as such there is no chance of their abscondance if let on bail. The petitioners are ready to co-operate with the investigation and to abide by the terms and conditions that may be imposed by the court for granting bail to them. Inter-alia on these grounds, the petitioners sought for allowing the petition.



4. The learned Public Prosecutor has resisted 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 and the material placed on record prima facie establishes the involvement of petitioners in the crime in question. The petitioners are politically and economically influential and if at this stage, they are released on bail, they may intimidate, threaten and influence the prosecution witnesses and they may also 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, who is arraigned as respondent No.2 has been secured. He appeared through his counsel, opposed granting bail to the petitioners and adopted the objections filed by the prosecution.

6. Heard both sides and perused the record.

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

- (1) Whether petitioners, who are arrayed as accused No.1 to 9 in Crime No.74/2026 on the file of Ajjampura 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 14.03.2026, the respondent police registered case in Crime No.74/2026 on the basis of first information statement of one Umesha C, which is said to have been recorded while he was being treated at Government Hospital, Birur against accused for the offences punishable under sections 189(2), 189(4), 329(3), 352, 115(2), 118(1), 351(2), 119(1), 191(2) r/w section 190 of BNS.

11. It is alleged by the informant that there is dispute between him and the accused No.1 i.e., petitioner No.1 herein with regard to land bearing Sy.No.35 situated at Nagabhoganahalli and as per the documents, the



court had passed order in his favour. That on 14.03.2026 at about 10.30 a.m, when he and the labourers by name Malleshappa and Mahalingappa, the residents of Hogarehalli were doing work in said land, the petitioners herein trespassed over said land by forming an unlawful assembly, abused him in filthy language, assaulted him with hands on his person, pushed him down, kicked him and the petitioners No.1, 3 and 4 assaulted him with a lump of mud. The petitioner No.4 torn his shirt and snatched cash of Rs.8,000/- kept in his pocket and all the petitioners issued threat to his life. With these allegations, the informant sought for action against the petitioners.

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 on account of dispute between them and the complainant party regarding the land in question.

13. I have perused the entire allegation made in the complaint and other material made available on record. As per the averments made in the complaint there exists dispute between the informant and the petitioners with respect to some landed property and in the said backdrop, the petitioners are alleged to have trespassed over said land and upon being questioned by the informant, they are said to have abused and assaulted the informant with hands and lump of mud and in the said regard, the informant is said to have taken treatment at Government Hospital, Birur.

14. It is contended by the learned counsel for the petitioners that though the informant is said to have



sustained injuries and taken treatment in the aforesaid hospital, no material has been placed on record to show the nature and gravity of the injuries allegedly sustained by him as well as the allegations leveled against the petitioners. Further no material has been placed on record by the prosecution even at the stage of hearing this petition to show the nature and the gravity of the injuries allegedly sustained by him.

15. Further by producing copy of FIR in Crime No.73/2026, it is contended by the learned counsel for petitioners that said case has been registered against the informant herein on the basis of the complaint lodged by the petitioner No.7 herein for the offences punishable under sections 352, 115(2) and 351(2) of BNS and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC and ST (POA) Act, 2015 and as a counter blast, the present complaint was lodged against the petitioners by making false allegations.

16. A perusal of the averments made in complaints of both the cases indicates that there exists some dispute between the complainant and accused party with regard 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.

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. It is settled that gravity alone cannot be a decisive factor to deny bail rather the court is required to balance other competing factors while exercising discretion and further it has been categorically held by the Hon'ble Apex court that the object of granting bail is to secure the appearance of accused person at the trial and the object of bail is neither punitive nor preventative. Thus the object of bail is to secure the attendance of accused in the trial and while exercising the discretion, the court is required to consider the probability of the attendance of accused before the court to face the trial.

19. It is not the case of the prosecution that the petitioners are having criminal antecedents and their presence is required for custodial interrogation. Though the offences alleged against the petitioners are non-bailable in nature, the same are not punishable with death or imprisonment for life. Further there is nothing on record to show that it is difficult to secure the presence of the petitioners for the remaining investigation and trial without arresting and detaining them in custody. Having regard to the peculiar facts and circumstances of the case, this court is of the opinion that the veracity of the allegations



made against the petitioners herein is required to be tested in the investigation and the trial. 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 petitioners herein with respect to some landed property. In view of the same, the possibility of informant giving the colour of criminal nature to some civil litigation cannot be ruled out. Further there is nothing on record to show that the petitioners are placed in such a position that they are able to influence or intimidate the prosecution witnesses or 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 it is a fit case to exercise discretion to grant anticipatory bail to the petitioners. Accordingly, I answer Point No.1 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.1 to 9 in Crime No.74/2026 on the file of



Ajjampura police station are ordered to be enlarged on bail in the said case registered against them for the offences punishable under sections 189(2), 189(4), 329(3), 352, 115(2), 118(1), 351(2), 119(1) and 191(2) r/w section 190 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.1,00,000/- (Rupees one lakh only) each with one surety 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 make themselves available for interrogation by the police officer as and when required.
- 4) 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 the 9th day of April, 2026).

(Bhanumathi B.C)
I Addl. District and Sessions Judge
Chikkamagaluru