

**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND JMFC., AT CHAMARAJANAGARA**

Dated this the 18th day of March, 2026

Present: **Sri. Sunil .R, B.Com., LL.B.,**
I ADDL. SENIOR CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

C.C. No:393/2026

Complainant: State by Town Police Station
Chamarajanagara

(By Learned A.P.P)

Vs.

Accused: 1. Komban Kumar
S/o Madaswamy,
Aged about 40 years,
R/at South Panavadali,
Chathram Post,
Shankaran Koyil,
Thenkasi District,
Tamilnadu State.

2. Padi S/o Marimuthu
Aged about 33 years,
R/at Ganeshapuram,
K. Velamgudi, Karekutti Taluk,
Shivagange District,
Tamilnadu State.

(By Sri. C.S.S., Advocate)

ORDER

The learned counsel for the accused No.1 and 2 has has filed bail application U/Sec.480 of Bharatiya Nagarik Suraksha Sanhita praying for enlarging the accused No.1 and 2 for the offences punishable U/Sec.331(4) and 305 of Bharathiya Nyaya Samhitha on the following grounds:

2. The accused No.1 and 2 are innocents and law abiding citizens and they have not committed any offenses as alleged by the complainant police. They undertakes to abide by any terms and condition imposed by this court. The accused persons further undertakes to appear before this court on all dates of hearing without fail. The investigation in the present case has been completed. The accused persons are ready and willing to furnish surety to the satisfaction of this court. The accused persons are the main bread earner of their respective family and if they are not released on bail, they will be put to great hardship and inconvenience. On these grounds, the learned counsel for the accused persons pray to allow the application.

3. The Learned Assistant Public Prosecutor has filed objection to the bail application and stated that the accused persons have committed the offenses as alleged by the prosecution. The investigating officer registered a case against the accused No.1 and 2 for an offense punishable U/Sec.305 and 331(4) of BNS. From the investigation, The learned APP further contended that the investigation of this case completed and prima-facie appears that the accused persons are committed offense as alleged against them. The accused persons are habitual offenders and if they are enlarged on bail, they may tamper the prosecution witnesses and abscond from the jurisdiction of this court. Hence, he prays to reject the bail application.

4. Heard both sides. Perused the record.

5. The points that arise for the consideration of this court are;

- 1) Whether the accused No.1 and 2 have made out sufficient and reasonable grounds for grant of bail as claimed?

2) What order ?

6. My findings to the above points are as under;

Point No.1 : In the Negative

**Point No.2 : As per the final order,
for the following;**

REASONS

7. Point No.1: It is the case of the complainant police that on 30.10.2025 at about 12.00 am, accused persons committed theft in the house of CW.1 and stolen the golden and silver ornaments. Based on the complaint lodged by the complainant, a case was registered against the accused persons in Crime No.209/2025 for an offenses punishable under Sec. 305 and 331(4) of the BNS and thereafter, charge sheet has been filed.

8. The learned counsel for the accused persons vehemently argued that the investigation of the present case has already been completed and the charge sheet has been filed against the accused persons and hence, further custody of the accused persons is not necessary. **However, it is well settled principle of law that 'the**

very filing of the charge sheet prima-facie establishes that the accused persons are involved in the commission of alleged offenses." AND *"mere filing of the charge sheet, by itself, does not constitute a sufficient ground for releasing the accused persons on bail."* Therefore, the court must consider the nature of the offenses, the evidence and the risk of the accused persons absconding before granting bail to them. Further, it is pertinent to note that the accused persons are residents of Tamil Nadu and there is a reasonable apprehension that they may abscond from the court proceedings and it is very difficult to trace out them. Further more, the offenses alleged against the accused persons are punishable with three years imprisonment with fine. Keeping in the mind of the impact of the offenses on the society, there are no grounds before this court to enlarge the accused persons on bail. As such, the accused persons have not made out sufficient grounds to obtain the bail as sought. Hence, this court answered the **Point No.1 is answered in the Negative.**

9. Point No.2:- In view of the discussions made supra, this Court proceed to pass the following:

ORDER

The bail application filed by the learned counsel for the accused No.1 and 2 U/Sec.480 of BNSS is hereby rejected.

[Dictated to the Stenographer directly on the computer, corrected and then pronounced by me in the open Court on this 18th day of March, 2026]

**[Sunil .R]
I Addl. Sr. Civil Judge & JMFC.,
Chamarajanagara.**