

KADG010007312026



Presented on : 02-03-2026
Registered on : 02-03-2026
Decided on : 17-03-2026
Duration : 0 years, 0 months, 15 days

**IN THE COURT OF
II ADDL. DIST. & SESSIONS JUDGE
AT: DAVANAGERE**

**(PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.)
II ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.**

DATED THIS THE 17TH DAY OF MARCH, 2026

Crl.Misc./207/2026

PETITIONER/S :

1. K.T.Nagaraj, S/o Tippanna, 35 years, Farmer, (A.No.1),
2. K.T.Ganesh, S/o Tippanna, 40 years, Farmer, Agriculturist, (A.No.2),

Both are R/o Kempanahalli
Village, Channagiri Taluk,
Davanagere District,

(By Smt./Sri P.V.G., Advocate),

-V/s-

RESPONDENT/S :

State by Santhebennur Police
Station,

(By Learned Public Prosecutor)

: ORDERS ON BAIL PETITION FILED U/SEC.482 OF BNSS :

The petition filed by the petitioners / Accused No.1 & 2 U/s.482 of BNSS, with a prayer to grant them an order of bail with respect to Cr.No.44/2026 of Respondent Police Station registered for the offences punishable under Sec. 115(2), 352, 351(1), (2), 74, 329(3), 126(2) R/w.Sec. 3(5) of BNS, 2023.

2. **The grounds for bail in the petition:** as per petitioners, they are innocent and they have no knowledge in respect of the alleged allegations against them. As per petitioners the cases is lodged against them by on malafide intention and to illegal arrest them by the police and only to give mental and physical harassment to them.

3. As per the petitioners, they are respectable persons and deep rooted in the society and law abiding citizens. The petitioners have not committed any offence as alleged by the complainant, their permanent resident is the above cause title address. The petitioners are having movable and immovable properties in their place and they are doing agriculture work. There is no chance for them to abscond or flee away from justice. There is no prima facie case is made out against the petitioners. Further the alleged offences are not life imprisonment, they are triable by this court. If the petitioners are arrested by the respondent police, they are suffering very irreparable loss and injury. If

the petitioners are released on bail, they are ready to abide by any conditions that may be imposed by the court and they are ready to give sufficient surety for the satisfaction of the court. Hence, prayed to allow the petition.

4. The petitioners also contended in the petition that, there is a counter case in respect of the alleged offences under Sec. 115(2), 352, 351(1), (2) R/w.Sec.3(5) of BNSS in Santhebennur Police Station in Crime No.43/2026. Hence, the petitioners pray for relief of anticipatory bail in respect of their arrest by the police.

5. On the other hand, the learned PP filed objections to the petition contended that the offence under Sec.74 of BNSS is cognizable and non-bailable in nature. The learned PP contended that if the petitioners released on bail, there is a chance for interfering the investigation of IO and also there is a chance for tampering the prosecution witnesses or hampering the prosecution evidences. Learned PP further contended that there is no sufficient reasons given by the petitioners in respect of bail. Hence, prayed for reject the bail petition.

6. On perusal of the petition, objection, FIR and IO report filed by the counsel for petitioners, I framed following points for consideration: –

1. Whether the petitioners are entitled for the relief of bail under Sec. 482 of BNSS ?
2. What order ?
7. My answer to the above points are as follows ;-

Point No.1 : In the Affirmative,

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

REASONS

Point No.1 :-

8. The brief facts of the case are as follows: There is a prolonged land dispute between the complainant and the petitioners. There is land bearing Sy.No.39 measuring 2 acres standing in the khata of the complainant's husband's younger brother, Rudrappa, at Kempanahalli village. Another portion of land measuring 1 acre 10 guntas stands in the joint khata of the sons of her husband's younger brother, late Devendrappa. Further, her grandchildren, namely K.T. Prajwal and Girish K.T., are also in the joint khata in respect of land measuring 1 acre 11 guntas and 1 acre 10 guntas. Thus, in total, the land measuring 5 acres 31 guntas is involved. The above said land has been inherited from the ancestors. Frequently, the petitioners and others obstruct the complainant and her family members while they were working on the said land, claiming that they are also shareholders in the above said land.

9. On 19.02.2026, at about 12.00 noon, while the complainant's grandchildren were ploughing the above-mentioned land, the petitioners allegedly trespassed into the land, obstructed the tractor, abused them in obscene language, caught hold of their clothes and hair, dragged them, assaulted them with their hands and legs, and threatened them with dire consequences. At that time, the complainant and her husband's son came to the spot and intervened, but the petitioners

abused them in filthy language and threatened their lives. Therefore, the complainant filed a complaint against the petitioners and others, alleging that they repeatedly interfered with her possession and cultivation of the aforesaid land. Hence, this petition.

10. The learned counsel for the petitioners contended that the petitioners have not committed the offences as alleged against them. It is submitted that there is a prolonged civil land dispute between the parties and the alleged incident has arisen out of a dispute relating to joint family and joint khata agricultural property. Both parties are relatives. It is further contended that the petitioners have also filed a complaint against the complainant in Crime No.43/2026. The complainant has lodged a false complaint against the petitioners by making allegations relating to modesty, harassment and other false accusations. The petitioners have aged parents, wives, and children, and they possess movable and immovable properties at their native place and are engaged in agricultural work.

11. It is further contended that the alleged offences are not punishable with imprisonment for life and are triable by this Court. If the petitioners are arrested by the respondent police, their families would suffer great loss and hardship. No prima facie case is made out against the petitioners. There is no possibility of the petitioners absconding or fleeing from justice. The petitioners are permanent residents of the address mentioned in the cause title. Further, the petitioners are not involved in any other criminal cases. They are innocent and law-abiding citizens and are ready to abide by any conditions that may be imposed

by this Court and to furnish sufficient surety to the satisfaction of the Court if they are released on bail. Hence, the learned counsel prayed to allow the petition.

12. Per contra, the learned Public Prosecutor argued and contended that a serious case has been registered against the petitioners. It is further argued that the alleged offences are punishable with imprisonment for life. The petitioners have assaulted the complainant and her grandsons, dragged them by holding their clothes and hair, and touched the complainant's body with the intention of outraging her modesty. Further, the petitioners have not furnished any cogent reasons for their release on bail. There is a prima facie case made out against them. If the petitioners are released on bail, there is every likelihood of repetition of similar offences, interference with the investigation, and threatening of prosecution witnesses. Hence, the learned Public Prosecutor prayed to reject the bail petition.

13. I have perused the entire records. It shows that the preliminary investigation has already been completed and a counter case has also been filed. The cause title of the petition shows that the petitioners are permanent residents of the address mentioned therein. There is a prolonged civil dispute between the parties and both are relatives. The petitioners have expressed their willingness to furnish sufficient surety to the satisfaction of the Court and to abide by any conditions that may be imposed by this Court. They have also undertaken to cooperate with the Investigating Officer in the proper investigation of the case.

14. After considering the petition and the objections raised by the learned Public Prosecutor, it creates doubt as to whether a clear prima facie case is made out against the petitioners at this stage. The respondent police have already conducted spot inspection, prepared the seizure mahazar, recorded the statements of witnesses, and collected relevant materials during the course of investigation. Considering the civil dispute between the parties, it is not possible at this stage to conclusively determine the guilt or innocence of the petitioners until the matter is adjudicated upon trial.

15. The petitioners and the complainant are relatives. The petitioners are permanent residents of the address mentioned in the cause title and their presence can be secured by imposing appropriate conditions and obtaining surety bonds. Further, as submitted by the learned counsel for the petitioners, they are the sole breadwinners of their respective families and have family responsibilities.

16. The petitioners have expressed apprehension of arrest and harassment by the jurisdictional police. However, the grant of anticipatory bail will not in any manner affect the rights, powers, and duties of the Investigating Officer in conducting a fair and proper investigation. Therefore, there is no legal impediment to grant anticipatory bail to the petitioners.

17. Considering the overall facts and circumstances of the case, this Court is of the opinion that the apprehensions of the prosecution can be adequately safeguarded by imposing stringent conditions on the

petitioners. Accordingly, based on the above observations, **Point No.1 is answered in the Affirmative.**

18. **Point No.2** :- In view of the finding of this court on point No.1, I proceed to pass the following :-

O R D E R

The Petition filed by the petitioners / accused No. 1 & 2 U/Sec.482 of BNSS, is hereby allowed.

Petitioners ordered to be released on bail in the event of their arrest in Cr. No.44/2026 of Respondent police station, for the offences punishable U/Sec. 115(2), 352, 351(1), (2), 74, 329(3), 126(2) R/w.Sec. 3(5) of BNS, 2023 on executing their personal bond for Rs.50,000/- each, with a surety for like-sum, and subject to following conditions : -

- 1) Petitioners shall surrender before the IO within 10 days from today.
- 2) They shall co-operate with the IO in proper investigation of the case.
- 3) They shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.
- 4) They shall not commit similar type of offences in future.

- 5) They shall appear before court regularly and shall furnish bond and surety as and when directed by the court.
- 6) They 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 on the computer, corrected, singed and then pronounced by me in the open court on this the 17th day of March, 2026),

(Praveen Kumar. R.N,)
II ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.

Order pronounced in the open court
(Vide separate order)

ORDER

The Petition filed by the petitioners / accused No. 1 & 2 U/Sec.482 of BNSS, is hereby allowed, subject to conditions.

2nd ADJ, Davanagere.