

KADG010007632026



Presented on : 05-03-2026  
Registered on : 05-03-2026  
Decided on : 23-03-2026  
Duration : 0 years, 0 months, 18 days

**IN THE COURT OF  
II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE  
AT DAVANGERE**

**(Presided Over by SRI. PRAVEEN KUMAR.R.N)  
II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE  
DAVANGERE**

**DATED THIS THE 23RD DAY OF MARCH, 2026**

**Crl.Misc./215/2026**

**PETITIONER/S :**

J. Eswar Singh Kavital, S/o Gopal  
Singh Kavital, 54 years, R/o  
#5682/5.6, Hrushika, 4<sup>th</sup> Main, 7<sup>th</sup>  
Cross, SS Layout, 'B' Block,  
Davanagere, (A.No.2),

**(By Smt./Sri P.V.S, Advocate),**

-V/s-

**RESPONDENT/S :**

State by Vidyanagara Police

Station, Davanagere,

**(By Learned Public Prosecutor)**

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

This bail petition is filed by the petitioner / accused No.2 under Sec.482 of BNSS, requesting the court to enlarge the petitioner on anticipatory bail in connection with Cr.No.34/2026 of Respondent Police station, registered for the offences under Sec.109(1), 352 of BNSS of 2023.

2. Grounds for bail the bail is that: The respondent police have registered a case against the petitioner for the aforesaid offences. The petitioner is innocent and has not committed any offence as alleged in the complaint. The petitioner is no way connected to the alleged incident. The allegations made in the complaint are all false and baseless.

3. Further petitioner's permanent resident of above cause title address. The petitioner hails from respectable family and deep rooted in the society. There is no prima facie case is made out against the petitioner. The alleged offences are not punishable with death or imprisonment for life. The petitioner is ready to abide by the conditions that would be imposed by this court and also undertaken to offer sufficient surety to the satisfaction of the court, if he enlarged on bail. Hence, prayed to allow the bail petition.

4. On the other hand, learned PP filed objections to the petition contended that there is a prima facie case is made out against the petitioner for the alleged offences. The learned PP further contended that if the petitioner is 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 danger of abscondance. Learned PP further contended that there is no sufficient reasons given by the petitioner in respect of bail. Hence, prayed for rejecting the bail petition.

5. Upon perusal of the petition, objections, FIR, and IO report, the following points arise for consideration:

1. Whether the petitioner is entitled for the relief of bail under Sec. 482 of BNSS ?

2. What order ?

6. 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 :-

### **R E A S O N S**

#### **Point No.1 :-**

7. The brief facts of the case is that : As per the complaint, the complainant is a housewife, and her husband, who is the victim, is a driver. Accused No.1 is working as a cashier at Bindas Bar. On 10.02.2026, at about 7.30 p.m., the complainant received a phone call from her husband's friend, who asked her to come to CG Hospital and

informed her that her husband had sustained serious injuries. It is alleged that on 10.02.2026, at about 7.20 p.m., when the complainant's husband went to the cash counter of the bar to purchase liquor, accused No.1 demanded payment. The victim stated that he would make the payment through PhonePe. In the meantime, it is alleged that accused No.1 abused him in filthy language and, being enraged, assaulted the victim on his head with an iron rod with an intention to commit murder. This incident was informed to the complainant by her husband's friend, namely Sanju. Based on these allegations, the complainant filed the complaint against the petitioner and the other accused persons.

8. The learned counsel for the petitioner contended that the petitioner has not committed any of the alleged offences, that he is innocent, and that he is a law-abiding citizen. It is further contended that the alleged offences are not punishable with death and are triable by this Court. The petitioner is a permanent resident of the address shown in the cause title and owns movable and immovable properties. It is further submitted that the petitioner has aged parents, a wife, and children to support. His parents are suffering from age-related ailments, and he is the sole earning member of the family.

9. It is further contended that the complainant's husband is a habitual drinker and that, on the date of the incident, after consuming liquor, he picked up a quarrel with another accused. The petitioner has no prior criminal antecedents. It is also submitted that the investigation

has been substantially completed and that the victim has been discharged from the hospital and is out of danger. It is further contended that the provisions of Section 109(1) of the BNSS are not attracted to the facts of the present case. The learned counsel submits that no prima facie case is made out against the petitioner. Furthermore, the petitioner was not at the place of the incident at the time of the alleged offence, and only because he is the owner of the bar, his name has been implicated. The petitioner is ready to furnish sufficient sureties to the satisfaction of this Court and undertakes to abide by any conditions that may be imposed. Hence, he prayed to allow the petition.

10. Per contra, the learned Public Prosecutor strongly opposed the bail petition and contended that a serious case has been registered against the petitioner. It is submitted that punishment of imprisonment for life is prescribed for the alleged offence and that the case is grave in nature. It is further contended that the petitioner has not made out any valid grounds for grant of bail. According to the prosecution, accused No.1 assaulted the victim on his head with an iron rod with an intention to commit murder, thereby causing bleeding injuries. The alleged offences are heinous in nature and affect society at large. It is further contended that a prima facie case is made out against the petitioner. The learned Public Prosecutor further submitted that, if the petitioner is released on bail, there is every likelihood of repetition of similar offences and also the possibility of influencing or intimidating prosecution witnesses. The prosecution has also produced a video clip

of the alleged incident, which has gone viral on social media. Hence, he prayed to reject the bail petition.

11. I have carefully perused the entire records submitted along with the petition, the objections filed by the learned Public Prosecutor, and also the video clip produced by the prosecution in the earlier bail petition. It is well settled that, while considering a bail petition in serious offences, the Court must exercise caution. The Court is required to consider the following aspects:

(i) whether there are reasonable grounds or a prima facie case to believe that the accused has committed the offence;

(ii) the nature and gravity of the accusation;

(iii) the severity of the punishment prescribed in the event of conviction;

(iv) the possibility of the accused absconding if released on bail;

(v) the character, conduct, financial status, and background of the accused;

(vi) the likelihood of repetition of the offence;

(vii) the possibility of the accused influencing or threatening prosecution witnesses; and

(viii) the likelihood of obstruction to the course of justice if bail is granted.

12. On perusal of the records, it appears that the preliminary investigation has already been completed. The Investigating Officer has already conducted the spot mahazar and seizure mahazar and

seized the alleged incriminating materials. The apprehension of the prosecution is that, if the petitioner is released on bail, there is a possibility of repetition of similar offences. However, such apprehension alone cannot be a ground to reject the bail petition. On perusal of the video clip produced by the prosecution, certain doubts arise regarding the ingredients necessary to constitute an offence of attempt to commit murder. Furthermore, the said video would disclose allegations only against accused No.1 and not against the other accused. At this stage, it appears that, by imposing stringent conditions, the apprehensions of the prosecution can be adequately addressed. It is also seen that the petitioner has been in judicial custody since the date of his arrest.

13. On perusal of the complaint and other materials placed on record, it appears that the petitioner is a permanent resident of the address mentioned in the cause title and is willing to furnish sufficient sureties to secure his presence before the Court on all future hearing dates. There is no material to indicate that the petitioner is likely to abscond if released on bail.

14. Upon further perusal of the records produced by the prosecution, it appears that the victim has sustained minor injuries and is out of danger and has been discharged from the hospital. Whether the petitioner is involved in the commission of the alleged offence is a matter to be determined during the course of trial. At this stage, I am of the considered opinion that, by imposing appropriate and stringent

conditions, the apprehensions of the prosecution can be adequately addressed. Accordingly, I answer Point No.1 in the Affirmative.

15. **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**

Petition filed by the petitioner / accused No.2 U/ Sec.482 of BNSS, is hereby allowed.

Petitioner is ordered to be released on bail in the event of his arrest in Cr.No.34/2026 of Respondent police for the offences punishable U/Sec. 109(1), 352 R/ w.Sec.3(5) of BNSS of 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 the 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 on the computer, corrected, singed and then pronounced by me in the open court on this the 23<sup>rd</sup> day of March, 2026 ).

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

-00-

Order pronounced in the open court  
(Vide separate order)

**O R D E R**

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

2<sup>nd</sup> ADJ, Davanagere.