

KADG010008112026



Presented on : 07-03-2026  
Registered on : 07-03-2026  
Decided on : 18-03-2026  
Duration : 0 years, 0 months, 11 days

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

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

**DATED THIS THE 18TH DAY OF MARCH, 2026**

**Crl.Misc./219/2026**

**PETITIONER/S :**

1. Basavarajappa, S/o Late  
Murthyappa, 50 years,  
Agriculturist, (A.No.1),
2. Ibrahim, S/o Late Imam Sab, 49  
years, Coolie work, (A.No.2),
3. N.T.Santhoshkumar, S/o Late  
Thippanna, 36 years, (A.No.3),

All are R/o Angodu village,  
Davanagere Taluk & District,

**(By Smt./Sri T.A.P, Advocate),**

-V/s-

**RESPONDENT/S :**

State by Rural Police Station, Davanagere,

**(By Learned Public Prosecutor)**

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

1. This petition is filed by the petitioners / accused No.1 to 3 U/Sec.482 of BNSS, with a prayer to grant them an order of anticipatory bail with respect to Cr.No.84/2026 of Respondent Police Station registered for the offences punishable under Sec. 352, 74, 115(2), 351(2) R/w.Sec.3(5) of BNSS.
2. Grounds for bail : The petitioners contend that the case has been lodged against them with mala fide intent to illegally arrest them and to subject them to mental and physical harassment.
3. The petitioners further asserts that they are respectable individuals, well-rooted in society. Their permanent residence is at the address mentioned in the cause title. They argues that if they arrested by the respondent police, their reputation in society will be tarnished. They claims that a false complaint has been filed solely to harass them and damage their social standing. Consequently, the petitioners are

under a reasonable apprehension of being arrested by the respondent police.

4. The petitioners submits that if granted bail, they are willing to comply with any conditions imposed by the court and are prepared to furnish sufficient surety for the satisfaction of the court. Hence, pray for the bail petition to be allowed.

5. The petitioners also contended in the petition that, there is a counter case in respect of the alleged offences under Sec. 109(1), 115(2), 351(2), 352 R/w.Sec. 3(5) of BNSS and Sec.3(1)(s), 3(1)(r), 3(2)(v-a) of SC/ST (POA) Act, 1989 in Rural Police Station, Davanagere in Crime No.82/2026 on 20.02.2026. Hence, the petitioners pray for relief of anticipatory bail in respect of their arrest by the police.

6. The learned Public Prosecutor (PP) for the state has filed objections to the petition, contending that a prima facie case has been made out against the petitioners for the alleged offences. The prosecution asserts that the petitioners have committed a serious offences, which are heinous in nature and against the interest of society.

7. The learned PP further argues that if the petitioners are granted bail, there is a risk of interference in the investigation, tampering with prosecution witnesses, or absconding. Additionally, the prosecution contends that the petitioners have not provided sufficient grounds to

justify bail. Therefore, the prosecution prays for the rejection of the bail petition.

8. Having heard both side and also perused the records by the counsel for petitioners, I framed the following points for consideration :-

1. Whether the petitioners are entitled to the relief of bail under Sec. 482 of BNSS ?

2. What order ?

9. My answers to the above points are as under:

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 :-

10. The brief facts of the case : As per the complaint, the complainant is a housewife. Her husband is running **Sidra Restaurant** at Angodu Village. On **19.02.2026**, at about **10:00 p.m.**, petitioner No.2 came to the complainant's hotel and enquired whether the other petitioners had arrived. The complainant stated that they had not. Later, at about **10:30 p.m.**, all the petitioners came to the complainant's hotel. It is alleged that petitioner No.1, in a drunken state, abused the complainant's husband in filthy language. When the complainant requested him not to scold, petitioner No.1 allegedly caught hold of her hair, abused her in foul language, and assaulted her with his hands. It is

further alleged that petitioner No.3 suddenly kicked the complainant on her chest, causing her to fall against the fence and sustain injuries to her arms, neck, and legs. It is also alleged that the petitioners assaulted the complainant's husband by shouting at him and pushing him, during which petitioner No.1 fell down the stairs. Thereafter, the complainant's children shifted him to **CG Hospital** for treatment. Subsequently, the complainant lodged the complaint while she was undergoing treatment at **City Medical Hospital, Davanagere**. Hence, this petition.

11. The learned counsel for the petitioners submitted that the petitioners never assaulted the complainant or her husband and that the dispute is purely civil in nature. He further submitted that both parties are known to each other.

12. The learned counsel further contended that the petitioners are innocent and law-abiding citizens and that they have been falsely implicated by the complainant with an intention to defame them and tarnish their reputation. It was also submitted that the alleged offences are not punishable with either death or imprisonment for life.

13. The learned counsel emphasized that the petitioners are permanent residents of the address shown in the cause title of the petition and that they have families to support. He reiterated that the dispute arises out of civil issues. It was further submitted that the petitioners have also filed a counter-complaint against the complainant in **Crime No.82/2026**.

14. He further submitted that the alleged offences are not punishable with death or imprisonment for life and that the arrest of the petitioners would cause irreparable damage to their reputation and social standing. The petitioners are ready and willing to abide by any conditions that may be imposed by this Court and to furnish sufficient surety to the satisfaction of the Court. The learned counsel contended that no prima facie case is made out against the petitioners and therefore prayed to allow the petition.

15. Per contra, the learned Public Prosecutor submitted that the petitioners assaulted the complainant and her husband with their hands and legs. It is further alleged that petitioner No.1 grabbed the complainant's dress and hair with an intention to outrage her modesty. It was contended that the alleged offences are serious in nature and affect public interest. The learned Public Prosecutor further submitted that, if the petitioners are released on bail, there is every likelihood of their threatening the prosecution witnesses and tampering with the evidence. Considering the seriousness and gravity of the offences, the learned Public Prosecutor prayed for rejection of the anticipatory bail petition.

16. Upon careful examination of the records produced by both parties, it appears that a civil dispute exists between them. After considering the submissions made on both sides, it is evident that the guilt or innocence of the petitioners cannot be determined at this stage and the same has to be adjudicated during the course of trial.

17. The report of the Investigating Officer indicates that the preliminary investigation has been completed and that there is no substantial reason necessitating custodial interrogation of the petitioners. The Investigating Officer has also conducted the seizure proceedings and drawn the spot mahazar. Further, upon perusal of the complaint, certain doubts arise regarding the veracity of the allegations. In view of these circumstances, this Court is of the opinion that there is no legal impediment to grant anticipatory bail to the petitioners.

18. A perusal of the bail petition, the objections raised by the learned Public Prosecutor, and the report of the Investigating Officer reveals that the alleged offences are not punishable with death or imprisonment for life and are triable by the Magistrate Court. The preliminary investigation has already been completed. It is also noticed that the complainant has not produced any medical records before this Court to substantiate the allegations of assault. Both parties are known to each other and are neighbours. The petitioners have families, and they are the sole breadwinners of their respective families. The petitioners have expressed their willingness to abide by all the conditions imposed by this Court, to co-operate with the Investigating Officer, and to furnish sufficient surety to the satisfaction of the Court.

19. The petitioners have expressed an apprehension of arrest and harassment at the hands of the jurisdictional police. However, it is pertinent to note that the grant of anticipatory bail does not, in any manner, restrict or curtail the lawful powers of the investigating agency

to conduct a free, fair, and impartial investigation into the alleged offences. Considering the facts and circumstances of the case, this Court finds no legal impediment in granting anticipatory bail to the petitioners for the offences alleged against them.

20. Considering the facts and circumstances of the case, I am of the considered opinion that the apprehensions raised by the prosecution can be adequately addressed by imposing appropriate and stringent conditions on the petitioners. In view of the foregoing discussion, I answer **Point No.1 in the Affirmative.**

**Point No.2 :-**

21. 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 petitioners / accused No.1 to 3 U/Sec.482 of BNSS, is hereby allowed.

Petitioners ordered to be released on bail in the event of their arrest in Cr. No.84/2026 of Respondent police station, for the offences punishable U/Sec. 352, 74, 115(2), 351(2) R/w.Sec.3(5) of BNSS, 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 evidences 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.

( Dictated to the Stenographer on the computer directly, corrected, singed and then pronounced by me in the open court on this the 18<sup>th</sup> day of March, 2026 ),

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

(Order pronounced in the open court)  
Vide separate order

**O R D E R**

Petition filed by the petitioners /  
accused No.1 to 3 U/Sec.482 of BNSS, is  
hereby allowed, subject to conditions.

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

