

KADG010009032026



Presented on : 12-03-2026
Registered on : 12-03-2026
Decided on : 26-03-2026
Duration : 0years, 0months, 14days.

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./229/2026

Petitioner/s:-

- 1 Avinash S/o Rajappa, 24 years,
Occ : Coolie work, R/o Kondajji
Road, Davanagere.
- 2 Venkatesh S/o Srinivas
Age: 25, Occupation : Coolie
work, R/o 3rd Cross,
Gandhinagara, Davanagere.

(By Sri. H.C.K. Advocate)

-VERSUS-

Respondent:-

State of Karnataka
Gandhidnagar Police Station,
Davanagere.

(By learned Public Prosecutor)

ORDER ON BAIL PETITION FILED U/S.482 of BNSS

1. The petitioners/accused No.1 and 2 have filed this petition U/Sec.482 of BNS seeking anticipatory bail in respect of Crime No.114/2024 of Respondent Police Station, registered for the offences punishable U/Sec. 115(2), 3(5), 352, 118(1) of BNS.

2. The grounds enshrined by the petitioners for grant of anticipatory bail has been that:-

1) The petitioners are said to be innocent of the alleged offences registered by the Gandhi Nagar Police against them and not concerned with the alleged crime, but have been falsely implicated in the case. The alleged offences are not punishable with death or imprisonment for life. The date of offence has been 13.10.2024 and the complaint is filed on 15.10.2024 and therefore, there is delay in filing the complaint. The petitioners have the responsibility to look after the aged parents who are depending upon them. There is no injury or any such related aspects on the complainant as mentioned in the complaint.

2) The petitioners are the permanent residents of the address mentioned in the cause title,

having movables and immovable properties, there is no likelihood of absconding. The offences alleged against the accused persons are not punishable with death or imprisonment for life.

3) The petitioners are said to be law abiding citizens and ready to abide by the conditions of the court and to offer surety. Among other grounds petitioners have sought for grant of bail.

3. The learned P.P has filed objections to the above petition contending that the alleged offences under Sec. 118(1) of BNS 2023 is punishable up to 3 years and is against to the society, whereabouts of the accused to be traced, Wound Certificate of the injured to be obtained. In case the bail is granted to the petitioners, there is likelihood of threatening the complainant, repeating the same kind of offences, causing destruction of the evidence that is to be collected in the investigation by the police. There is all likelihood of threatening the witnesses. At this stage, if the petitioners are granted bail there is possibility of absconding of the accused, causing threat to the complainant. The offences alleged being serious in nature, no ground has been made out for grant of bail. Hence the learned P.P has sought for rejection of the bail petition.

4. Heard learned counsel for the petitioner and learned P.P for the respondent. Perused the records.

5. On hearing the bail petition, the point that arise for my consideration is :-

“Whether the petitioners have made out grounds for grant of anticipatory bail in Cr.No.114/2024 registered by the Gandhi Nagar P.S. ?”

6. The aforesaid point is answered in the Affirmative, for the following :-

REASONS

7. As per FIR the case in Crime No.114/2024 has been registered by the Respondent Police on the basis of the complaint lodged by Shivakumar S/o Hanumanthappa on 15.10.2024. The place of the Crime has been described as Yaragunte village, Davanagere city. In this case, the investigation is completed and charge sheet has already been filed for the offences punishable under Sec.115(2), 3(5), 352, 118(1) of BNS. 2023.

8. The facts in brief averred in the complaint has been that, on 13.10.2024, in the morning on PB road while the complainant was going to driving job, around

10.30 a.m. the accused No.1 and 2 took him to Yaragunte Wine Palace to have drinks and for trivial matters there was a quarrel between the complainant and accused. The accused persons had assaulted the complainant with hands and threatened his life and accused No.1 assaulted the complainant by means of beer bottle. The complainant sustained simple injuries and therefore the complaint has been filed.

9. Learned counsel for the petitioner along with petition has produced certified copies of the FIR, complaint, acknowledgment, spot panchanama, hand sketch map, list of properties sent to Magistrate, certificate under Section 63(4) of BSA wound certificate, MLC, statements of witnesses, charge sheet and order sheet in CC No.2310/2025.

10. The alleged offences are not punishable with death or imprisonment for life. The truth of the allegations could be found out only after the completion of the trial. In this regard, it is necessary to refer to the following rulings.

11. In a case, State of Rajasthan, Jaipur Vs Balachand @ Baiiay, in Crl.Misc. Petition No.1424 - 1425 of 1977, the Hon'ble Supreme Court in its Judgment dated 20.09.1977 has held that, "The basic rule is bail, not jail, except-where there are

circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the court. When considering the question of bail, the gravity of the offence involved and the heinousness of the crime which are likely to induce the petitioner to avoid the course of justice must weigh with the court.”

12. In another decision the Hon'ble High Court of Karnataka in Crl.Appeal. No.390/2024 dated 19.3.2024, wherein it has been discussed at paragraph No.17 as follows :-

“From the perusal of this part of Section 438 of Cr.P.C., we find no restriction in regard to exercise of this power in a suitable case either by the Court of Session, High Court or this Court even when cognizance is taken or a charge-sheet is filed. The object of Section 438 is to prevent undue harassment of the accused persons by pre-trial arrest and detention. The fact, that a Court has either taken cognizance of the complaint or the investigating agency has filed a charge-sheet, would not by itself, in our opinion, prevent the Courts concerned from granting anticipatory bail in

appropriate cases. The Court has the necessary power vested in them to grant anticipatory bail in non-bailable offences under Section 438 of Cr.P.C. even when cognizance is taken or a charge-sheet is filed provided the facts of the case require the court to do so.”

13. In view of the principles laid down in the above decisions, it is evident that even after filing of the charge-sheet, anticipatory bail can be granted to the accused persons.

14. In the present case, investigation to have been completed and charge sheet has already been filed against the accused persons. Now the petitioners has come up with this petition seeking anticipatory bail. Since charge sheet is already filed, it means that there is no matter pending for investigation and hence custodial interrogation of the petitioners by the police, is not required in the case. Further, the petitioners are said to be the permanent residents of the address mentioned in the cause title and owning movable and immovable properties. Hence there is no chance to abscond or to flee away from justice, and their presence could be secured during trial of the case. The truth of the allegations made against the accused

persons could be elicited only after completion of the trial.

15. In view of the principles laid down in the above decisions, filing of the charge sheet in the present case, taking into consideration the nature of the documents produced along with the petition, and that the offences alleged against the petitioners are not punishable with death or imprisonment for life, the apprehension of the prosecution about petitioners causing impediment to the fair trial of the case, could be over come by imposing stringent conditions, and hence it is necessary to exercise discretionary power of granting anticipatory bail to the petitioners. Consequently, the above point for consideration is answered in the Affirmative and proceed to pass the following:-

O R D E R

The petition filed by petitioners/accused No.1 and 2 U/Sec.482 of BNSS is allowed.

The petitioner be enlarged on pre-arrest bail in the event of their arrest in Crime No.114/2024 of Respondent Police Station, (registered in C.C.No.2310/2025 on the file of IV Addl., Civil Judge and JMFC, Davanagere) for the offences punishable under Sec. 115(2),

3(5), 352, 118(1) of BNS, on executing a personal bond for a sum of ₹50,000/- (Fifty thousand Rupees only) each with one surety for the like sum, subject to following conditions :-

1. The petitioners shall appear before the trial court within 15 days from the date of this order and obtain regular bail.
2. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
3. The petitioners shall be regular in attending the court on all the dates of hearing and to co-operate for trial of the case.
4. The petitioners shall not leave the jurisdiction of the court without prior permission, until completion of the trial of the case.
5. The petitioners shall maintain peace in the locality and not to have any kind of contact either through phone

or otherwise with the complainant and his family members.

6. The petitioners shall produce Mobile Number, WhatsApp Number, E-Mail ID, and to intimate the court if any changes therein.
7. The petitioners shall produce Adhaar Card in proof of correct residential address.

If the petitioners commit breach of any of the above conditions, the prosecution is at liberty to approach the court for cancellation of bail.

Inform the same to the concerned Police Station, accordingly.

(Dictated to the stenographer, computerized by her, transcript corrected, signed and then pronounced by me in the open Court on this the 26th day of March, 2026.)

(Vela.D.K)
Prl. District & Sessions Judge,
Davanagere.