

KADG010016642026



Presented on : 29-05-2026

Registered on : 29-05-2026

Decided on : 06-06-2026

Duration : 0years, 0months, 08days.

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

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

Crl.Misc./452/2026

PETITIONER/S: -

1: Smt. Geetha
W/o Late Yogesh,
Aged 45 years,

2: Dhruva S Y
S/o Late Yogesh
Aged 21 yeras
BCA Student

Both are R/o Rachappana Beelu
Shamanuru, Davanagere.

(By Sri. H.N.S., Advocate)

VERSUS

RESPONDENT : -

State of Karnataka represented
by PSI, Vidyanagara Police Station,
Davanagere.

(By Public Prosecutor, Davanagere)

* * *

ORDER ON PETITION FILED U/S.482 OF BNSS

1. The petitioners/ Accused No.1 and 2 have filed above petition under Sec.482 of BNSS, seeking grant of anticipatory bail in the event of their arrest in respect of Crime No.122/2026 of Respondent-Police for the offences punishable under Sec.74, 115(2), 118(1), 351(2), 352, 3(5) of BNSS, 2023.

2. The grounds enshrined for grant of anticipatory bail are as follows : -

1. The petitioner No.1 is said to be a widow and that she is the mother of petitioner No.2. Petitioner No.2 is studying BCA at Davanagere. They are said to be innocent and have not committed any offence as alleged in the complaint, and they are unconnected to the Crime. The complainant is said to be the daughter of sister of petitioner No.1's husband. After the death of husband of the petitioner No.1, the petitioners and the family of the complainant were

in cordial terms and there was money transaction between them.

2. In due course of time there was difference of opinion between the family of the complainant and the petitioners, and quarrel to have taken place on 23.5.2026 at 8 PM with regard to money transaction and there was assault on the petitioner No.1 by the complainant and her husband, and in this regard on 24.5.2026 the petitioner No.1 had filed complaint against the complainant before Vidyanagara PS, registered in Cr.No.117/2026 for the offences under Sec.115(2), 329(4), 74, 351(2), 352, 3(5) of BNS. Only to counter the said case, the complainant to have filed present case against the petitioners on false allegations.

3. The petitioners to be the permanent residents, owning movable and immovable properties, and hence there is no chance of absconding or fleeing away from justice.

4. The petitioners are said to be the law abiding citizens, and they are from respectable family. They are apprehending arrest by the respondent police in the aforesaid Crime. The offences alleged are not punishable with death or imprisonment for life.

5. The petitioners are said to be ready to abide by the conditions of the court and to offer surety to the satisfaction of the court, and sought for the grant of Anticipatory Bail by allowing the petition.

3. The learned Public Prosecutor has filed objection to the above petition contending that there is a prima facie materials against the accused. The offence under Sec.118(1) of BNS pertains to assault and the offence under Sec.74 of BNS pertains to the offence of outrage on women and punishable with imprisonment up to 3 years. There has been rise in assault cases on women in the society. The offences alleged are serious in nature. The investigation is still pending, and in case the petitioners are granted bail, there is said to be possibility of absconding and repeating the same kind of offences. The statement of witnesses yet to be recorded and the Wound Certificate has to be obtained, and there is also possibility of threatening the witnesses and causing obstruction in the investigation of the case as well as deviate the trial of the case, therefore has sought for rejection of the bail petition.

4. Heard learned counsel for the petitioners and learned Public Prosecutor for the Respondent. Perused the records.

5. On hearing the bail petition, the points that arise for consideration are : -

- 1) Whether the petitioners have made out grounds for grant of anticipatory bail vide under Sec.482 of B.N.S.S in Cr.No.122/2026 of Vidyanagara PS ?
- 2) What order ?

6. The Point No.1 is answered in the Affirmative, and point No.2 as per final order and for the following:-

REASONS

7. **Point No.1:** At the out set it is to be noted that, Crime No.122/2026 has been registered by Respondent Police against the petitioners herein and others for the offences punishable under Sec.74, 115(2), 118(1), 351(2), 352, 3(5) of BNSS, 2023 on the basis of the complaint lodged by Smt. Pushpalatha W/o. Manjunatha, on 27.05.2026. The place of the crime is described as Rachappan Beelu Shamanuru, Davanagere. The present petitioners have been arrayed as Accused No.1 and 2 in the FIR.

8. The facts in brief alleged in the FIR are that, the complainant is said to be earning by doing coolie work

and her husband to be earning by working in a Car showroom. The accused Geetha in the name of the complainant is said to have borrowed loan in Bajaj finance, Janalakshmi Small Finance, Satya Micro Fiannce, Equitas, Ashirvad Banks. Initially the accused Geetha used to pay the loan instalments regularly, and thereafter she failed to pay the monthly loan instalments and became defaulter. In this regard on 23.5.2026 at 9 PM when the complainant had been to Geetha with a request to make loan instalments regularly. At that time, Geetha had abused her in filthy words and insulted her in public. In the meanwhile, the son of accused Geetha by name Druva brought his friends, abused her in foul language and dragged complainant holding her cloths, assaulted by hands, hit on her head by means of moping stick and threatened with dire consequences to her life. At that time, on hearing the cries of the complainant, her husband Manjunatha and her mother came and rescued her. Due to assault by the accused the complainant had sustained injury and on 26.5.2026 she took treatment in the Government hospital, and thereafter lodged complaint against the accused persons.

9. Learned counsel for the petitioners has enclosed certified copies of the complaint and FIR in Cr.No.122/26, certified copy of the complaint and FIR in

Cr.No.117/2026, copy of the Hall Ticket pertaining to petitioner No.2, and two photographs.

Learned PP along with objection, has enclosed report of the I.O wherein it is contended that, the investigation of the case to be pending for recording statement of the witnesses, to collect Wound Certificates of the injured, to obtain the revenue document in respect of the place of offence, and to arrest the accused and to interrogate them about the Crime. Further, apprehended that, if at this stage bail is granted to the accused, there is chance of absconding and tampering the prosecution witnesses and also to put hurdles in the fair investigation of the case.

10. In a case, State of Rajasthan, Jaipur Vs Balachand @ Baiay, 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.”

In this regard, it is necessary to impose conditions in accordance with terms of the Circular of the Hon'ble High Court of Karnataka dated 30.6.2025 vide HCC No.48/2012 in order to secure the accused.

11. On perusal of the complaint, it is evident that the complainant and the accused/ petitioners are said to be distant relatives and that they were familiar with one another, and earlier there was some money transaction between them. In view of the complaint allegations, it appears that in view of difference of opinion with regard to money matters between the parties, the alleged incident to have taken place. In view of this nature of the complaint allegations, the truth of the case can be decided only after the completion of the trial of the case.

Further it is pertinent to note that, in respect of same incident dated 23.5.2026, earlier to the present complaint, on 24.05.2026 itself the petitioner No.1 herein had filed complaint against the complainant and her husband before respondent police registered in Cr.No.117/2026 for similar offences. The gist of the said complaint is that, the complainant by name Smt. Geetha had borrowed loan from the accused Pushpa and she

could not repay the loan amount. In this regard, on 23.5.2026 at 8 PM the accused Pushpa and her husband Manju had entered into her house, abused her in foul language, dragged her out of the house, assaulted by hands and also threatened with dire consequences to her life. Therefore, it means that in respect of the same incident dated 23.5.2026 there is said to be filing of case and counter case by both the parties against each other. It appears that there is some sort of enmity between accused / petitioners and the complainant family, with regard to money transaction and in this regard the alleged incident to have taken place. In the petition the petitioners have contended that they are to be innocent and not committed any offence as alleged in the Crime, but have been falsely implicated in the case.

12. The petitioners are said to be the permanent residents of Shamanur village, and owning movable and immovable properties and hence there is no chance of absconding or fleeing away from justice. The petitioner No.1 is a woman and her son petitioner No.2 is said to be a BCA student. The documents placed on record reveals that the I.O has already conducted the panchanama and recorded statement of some of the witnesses. Therefore major portion of the investigation to have been completed and hence arrest of the petitioners would not

be required. There is no medical record enclosed about the injuries or the bodily hurt sustained by the complainant at the hands of the petitioners. The said offences are not punishable with death or imprisonment for life.

Based on the documents placed before the court, and in view of the principle laid down in the aforesaid decisions, therefore the apprehension of learned P.P about causing impediment to the fair investigation and trial of the case could be over come by imposing stringent conditions, hence the point for consideration is answered in the Affirmative.

13. Point No.2 :- In view of the above finding on point No.1, I proceed to pass the following :-

O R D E R

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

The petitioners No.1 and 2 be enlarged on pre-arrest bail in the event of their arrest in Crime No.122/2026 of Respondent Police Station, for the offences punishable under Sec.74, 115(2), 118(1), 351(2), 352, 3(5) of BNSS, 2023,

on executing a personal bond for a sum of ₹50,000/- (Fifty Thousand Rupees only) with one surety for the like sum each, subject to following conditions :-

1. Each of the petitioners shall surrender before the Investigating Officer within 15 days from the date of this order. In the event of their appearance, the Investigating Officer is at liberty to interrogate them in accordance with law.
2. They shall appear before the concerned police station as and when directed by the Investigating Officer in writing and co-operate with the Investigation Officer for further investigation.
3. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
4. They shall move application for regular bail before the concerned court within one month from the date of this order.
5. They shall be regular in attending the court on all the dates of hearing.

6. They shall not indulge in similar offences in future, and shall not leave the jurisdiction of the court without prior permission till completion of the trial.
7. They shall maintain peaceful relationship with the complainant and her family members. Further they shall maintain peaceful atmosphere in the locality.
8. They shall provide Mobile Numbers, WhatsApp Number, E-Mail ID, and to intimate the court about changes if any.
9. They shall produce their self attested Aadhaar Card, with correct address proof.

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 Stenographer Gr.1, transcript corrected, signed and pronounced by me in the open Court on this the 06th day of June, 2026)

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