

KADG010016742026



Presented on : 01-06-2026
Registered on : 01-06-2026
Decided on : 11-06-2026
Duration : 0 years, 0 months, 10 days

**IN THE COURT OF THE I ADDL. DISTRICT AND SESSIONS
JUDGE, DAVANAGERE.**

Present : **Sri. Gururaj Somakkalavar, M.A., LL.B.,**
I Addl. District & Sessions Judge, Davanagere.

Dated this the 11th day of June 2026

Crl.Misc.458/2026

PETITIONER/S:

1. Annappa S/o Patregowda,
Aged about 40 years,
Agriculturist,
2. Siddeshi S/o Patregowda,
Aged about 42 years,
Agriculturist,
3. Basavaraja S/o Kenchanagowda,
Aged about 38 years,
4. Kenchanagowda S/o Siddappa,
Aged about 68 years,

5. Patregowda S/o Siddappa,
Aged bout 65 years,
6. Smt.Vimalakshamma
W/o Patregowda,
Aged about 60 years,
Housewife,
7. Smt.Rudramma
W/o Kenchanagowda,
Aged about 63 years,
8. Shantamma D/o Patregowda,
Aged about 38 years,
9. Smt.Shweta W/o Basavaraja,
Aged about 34 years,
Housewife,
10. Smt.Vinodamma
W/o Siddeshi,
Aged about 34 years,

All are R/o Gowdagonanahalli village,
Jagaluru Taluk,
Davanagere District.

(By Sri.S.C.B. Adv.,)

V/S

RESPONDENT/S:

State by Jagaluru Police Station,
Davanagere.

(By the Public Prosecutor, Davanagere.)

ORDERS ON PETITION FILED U/SEC.482 OF B.N.S.S

The petitioners being accused in Crime No.109/2026 registered on the file of Jagalur Police Station, have filed this petition U/Sec.482 of B.N.S.S, seeking their release on bail in the event of their arrest by the respondent police for the offence punishable U/Sec.189(2), 191(2), 191(3), 115(2), 118(1), 109, 329(4), 351(3), 352, 190 of B.N.S.

2.It is contended by the petitioners that they are law abiding citizen and have not committed any offence much less the alleged offences. Further the present case is filed against the present petitioners as a counter to the complaint filed by the petitioners herein against the informant and others. There is a delay in filing the complaint and no proper reason is assigned for the delay. There is a dispute with regard to the land and there are case and counter case. Out of enmity the present case is registered. The alleged offences are not punishable with death or imprisonment for life. The complainant falsely implicate the petitioners in the case. The petitioners are the permanent address shown in the cause title and having movable and immovable properties. The petitioners are respectable person and having deep roots in the society.

The petitioners undertakes to appear before the court on all hearing dates and he further undertakes not to tamper with the prosecution witnesses. The petitioners are the only earning members to the family and they have to lookafter their entire family. They are ready to abide by the terms and conditions which may imposed by this court. Hence, prayed to allow this petition.

3. Per contra, the learned public prosecutor appearing for the respondent, filed detailed objections by reiterating the averments of the complaint and submits that there is prima-facie case against the petitioners. The offences leveled against the petitioners are heinous in nature, non-bailable and punishable with 10 years imprisonment and fine. At this stage, if the petitioners are released on bail, there are all possibilities of tampering and destroy the evidences, scare and threaten the witnesses, make the witnesses give false testimony during the trial, hide and abscond and delay the trial of the case unnecessarily. The facts stated by the petitioners in the bail application are far from truth and they are also denied. The investigation file of this case is being produced and it is also requested to be considered as part of this dispute. Hence, prays to dismiss the petition.

4. Having heard the arguments of the counsel for the petitioners, the learned Public Prosecutor and upon perusal of the records, the points that arise for consideration of this court is:

1. Whether the petitioners are entitled for bail U/Sec.482 of B.N.S.S?
 2. What Order?
5. The findings of this court to the aforesaid points is:
- Point No.1: In the **Affirmative**
- Point No.2: As per the final order,
for the following;

REASONS

6. **Point No.1** : The case is registered against the petitioners herein on the complaint by one Kotesha B.C. for the offence punishable U/Sec.189(2), 191(2), 191(3), 115(2), 118(1), 109, 329(4), 351(3), 352, 190 of B.N.S. The allegations in the complaint are that, on 27/05/2026 at about 9-00 a.m. this petitioners entered into the house of informant as started to abuse in filthy language alleging that, many times the informant was told to not to wonder around with their aunt. At that time the wife of the informant told to ask to her husband they came near the land and suddenly started assault

informant with stones, club and caused injuries, at that time villagers Obanna, Shambanna came and pacified the fight, at that time these petitioners threatened with dire consequences. His wife took him to hospital and admitted for treatment. With these allegations he has lodged complaint. On the basis of the complaint crime is registered against petitioners herein. Now the petitioners apprehended by the arrest, the present petitioners have approached this court for anticipatory bail.

7. After hearing the arguments and giving thoughtful consideration to the material on record, it is alleged against the petitioners assaulted informant caused bleeding injury. On perusal of the material placed before the court both by prosecution and the petitioners, it reveals that an incident took place on 27/05/2026. Before that on 25/05/2026 another incident took place between both the sides and crime No.107/2026 is registered against the present informant and others. The present case is subsequently the alleged incident both sides are filing cases against each other. The allegations alleged against petitioners are to be investigated.

8. It is to be appreciated that, on perusal of the record, there is no material placed with regard to the nature of injury whether grievous or simple. Though it is reported by the IO

regarding the admission of informant in the hospital, but there is no material with regard to the nature of injury.

9. It seems that there are cases filed against each other. The role of the petitioners have to be investigated and proved in the trial. The allegations leveled against the petitioners and their involvement is to be investigated. The investigation is in progress. The investigating agency has to collect the evidence. Further the involvement of the petitioners in the alleged crime is to be probed. Hence, they are to be granted anticipatory bail.

10. By now it is settled position that the court while considering the bail petition need not dwell upon the merits of the case or examine the veracity of the complaint allegations, as such an attempt by the court would prejudice the case on either side in one way or the other way during the trial Court. In other words only on the basis of the prima-facie material on record the court has to decide whether to grant or reject the bail application.

11. Holding mini trial by the court while considering the bail petition is deprecated by the Hon'ble Apex Court and various other Hon'ble High Courts in catena of judicial

pronouncements, as such in exercise, in the opinion of the Apex Court, would affect the case of either party in one way or the other. Thus desisting from holding the mini trial on the basis of prima-facie material on record, this court is of the considerable view that at this stage there are no strong grounds so as to deny the anticipatory bail to the Petitioner. Allegations have been made against the accused No.1/Petitioner, but the said allegations have to be investigated.

12. One of the consideration that has to be kept in mind by the court while granting bail is to ensure presence of the petitioners before the court or the Investigating Officer as and when necessary. In the case on hand the petitioners are the permanent residents of address given in the cause title of the petition, which has not been either denied or disputed by the prosecution. At this stage there is nothing on record to infer that the presence of the petitioners cannot be secured before the court in the event of grant of bail. The petitioners have undertaken to abide by the conditions of the court and to offer surety for the satisfaction of the court.

13. Apprehension of the prosecution is made out in the objection statement that in the event of the grant of bail the

petitioners are likely to tamper with the prosecution witnesses etc. can be quelled by putting the petitioners on stringent conditions while granting anticipatory bail. Considering the gravity of the offences and the punishment provided thereto and the material on record this court is of the opinion that the petitioners have made out grounds for grant of anticipatory bail. Thus, the petitioners are entitled for grant of anticipatory bail. Hence, this point is answered in the Affirmative.

14. **POINT No.2:**In view of the foregoing discussion on Point No.1, this court proceed to pass the following;

ORDER

Bail petition filed under Sec. 482 of B.N.S.S by the petitioners is **ALLOWED**.

The petitioners are ordered to be released in the event of their arrest by the respondent police, if not required in relation to any other offence, in Cr.No.109/2026 on executing personal bond for Rs.1,00,000/-each with two sureties for the likesum on the following conditions.

1. The petitioners shall appear before the I.O., within 10 days from the date of receipt of this order.
2. The petitioners shall not tamper with the prosecution witnesses either directly or indirectly in any manner.
3. The petitioners shall not abscond from the ordinary residence and he should furnish the address proof to the concerned police.
4. The petitioners shall not indulge in any kind of offence.
5. The petitioners shall not leave the jurisdiction of the Court without prior permission of the concerned Court.
6. The petitioners shall mark his attendance before the concerned I.O., weekly once from 6 a.m., to 8 P.M., till filing of the charge sheet.
7. The petitioners shall have to appear before the court on all hearing dates without fail.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

[Dictated to the Stenographer on computer, corrected, signed and then pronounced by me in open court on this the **11th day of June 2026.**]

[Gururaj Somakkalavar]
I Addl District & Sessions Judge,
Davanagere.