

KADG010017472026



Presented on : 05-06-2026
Registered on : 05-06-2026
Decided on : 19-06-2026
Duration : 0 years, 0 months, 14 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 19th day of June 2026

Crl.Misc.474/2026

PETITIONER/S:

1. Jafrulla Khan S/o Buden Khan,
Aged about 50 years,
Agriculturist,
2. Sadath @ Syed Sadath Khan,
S/o Jafrulla Khan,
Aged about 22 years,
Student,
3. Maruf Khan S/o Buden Khan,
Aged about 52 years,
Agriculturist,

4. Fyjan Khan S/o Maruf Khan,
Aged about 23 years, Student,
5. Vasim Khan S/o Maruf Khan,
Aged about 29 years,
Engineer,
6. Smt.Nasrinbanu W/o Jafrulla Khan,
Aged about 47 years,
Housewife,
7. Kum.Abshan Khanam J.
D/o Jafrulla Khan,
Aged about 23 years,
M.B.A. Student,

All are R/o Basaveshwara Badavane,
Malebennuru, Harihara Taluk,
Davanagere District.

(By Sri.M.C.H. Adv.,)

V/S

RESPONDENT/S:

State by Malebennuru 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.69/2026
registered on the file of Malebennuru 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), 329(4), 352, 126(2), 54, 118(1), 115(2), 351(2), 74, 110, 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. 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 persons 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. Further also furnished the

medical report of the injured. Prosecution 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 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 Rahath Unnissa for the offence punishable U/Sec.189(2), 191(2), 191(3), 329(4), 352, 126(2), 54, 118(1), 115(2), 351(2), 74, 110, 190 of B.N.S. The allegations in the complaint are that, the petitioners herein quarreled with the husband and son of informant on 22/03/2026 at about 3-20 p.m. in the market. Petitioner No.1 tried to assault with the knife. Others have instigated petitioner No.1, they assaulted on her husband and son. At that time her husband sustained internal injuries. After that he was taken to hospital. On the very same day at about 6-00 p.m. petitioners trespassed into the house of informant and started quarrel with her. They abused her threatened with dire consequences. Petitioner No.1 dragged her holding her hairs. The others have assaulted with hands. The petitioner No.1, 3, 4 and 5 have outraged modesty of the informant. The neighbors came and pacified. With these allegations she has lodged complaint. On the basis of the complaint crime is registered against petitioners herein. Now the petitioners

apprehended by the arrest, 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 that, they have assaulted husband, son and informant. Further it reveals that, as per the allegations the incident took place on 22/03/2026. Further the petitioner No.7 also filed the complaint against the informant and others in respect of the incident dated 22/03/2026 at about 7-30 p.m. alleging that informant and others have assaulted father of the petitioner No.7. It appears that, there are case and counter case against each other. 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 case and counter case 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 petitioner is 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 petitioner is likely to tamper with the prosecution witnesses etc. can be quelled by putting the petitioner 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 petitioner has made out grounds for grant of anticipatory bail.

Thus, the petitioner is 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.69/2026 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 their 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 **19th day of June, 2026**]

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