

KADG010018162026



Presented on : 10-06-2026
Registered on : 10-06-2026
Decided on : 22-06-2026
Duration : 0 years, 0 months, 12 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 22nd day of June 2026

Crl.Misc.490/2026

PETITIONER/S:

1. Umesh @ T.Umapati S/o Timmappa,
Aged about 58 years, Coolie work,
2. Rudramma W/o Umesh @ T.Umapati,
Aged about 50 years, Coolie work,

Both are R/o Hucchavvanahalli,
Vaddarahatti village,
Davanagere Taluk and District.

3. Deepa W/o Veeresha,
Aged about 35 years,
Coolie work,
R/o Kadajji village and Post,
Davanagere Taluk and District.

(By Sri.S.M.K. Adv.,)

V/S

RESPONDENT/S:

State by Maykonda Police Station,
Davanagere.

(By the Public Prosecutor, Davanagere.)

ORDERS ON PETITION FILED U/SEC.482 OF BNSS

The petitioners in Cr.No.67/2026 registered before Maykonda Police Station, have filed this petition U/s 482 of BNSS, seeking their release on bail in the event of their arrest by the respondent police for the offence punishable U/s 329(4), 352, 115(2), 118(1), 351(2) of BNS.

2. It is contended by the petitioners that they are law abiding citizens and have not committed any offence much less the alleged offences. The alleged offences are not punishable with death or imprisonment for life. The petitioners are respectable persons and having deep roots in the society. The petitioners undertake to appear before the court on all hearing dates and they further undertakes not to tamper with the prosecution witnesses. 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 is heinous in nature, non-bailable. 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/s 482 of BNSS?

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:** Cr.No.67/2026 is registered against the petitioners on the information by Smt.Rekha. It is alleged that, on 19/05/2025 at about 3-30 p.m. when the informant is in the house her son injured Kailash came running inside the house. When she about to ask at that time the petitioners entered the house abused injured assaulted him with club. When she tried to rescue him, the petitioner No.2 and 3 also assaulted her and threatened her. When she ask about the incident injured told that, while playing in the school ground his slipper came in contact with petitioner No.1, hence they have come to assault him. After that, injured was taken to hospital. With these allegations information is lodged. Now the petitioners approached Court apprehending the arrest.

7. After hearing and giving caught full consideration to the material on record, it reveals that there is allegation against these petitioners that they have quarreled with injured and informant and assaulted and abused them. The allegations have to be investigated and proved in the trial. The involvement of these petitioners

that they have assaulted informant are matter of trial. There is no material to consider the nature of injury. However, it appears that, informant is out of danger and there is no danger to his life. Considering the facts and circumstances, detention of the petitioners is not warranted as custodial interrogation is not required.

8. 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.

9. 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 Petitioners. Allegations have been made against the accused/Petitioners, but the said allegations have to be investigated.

10. One of the consideration that has to be kept in mind by the court while granting bail is to ensure presence of the Petitioners/accused 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/accused 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.

11. 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, these petitioners are entitled for grant of anticipatory bail. Hence, this point is answered in the Affirmative.

12. **POINT NO.2:** In view of the foregoing discussion and the reasons assigned on Point No.1, this court proceed to pass the following:

ORDER

Bail petition filed under Sec.482 of BNSS 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.67/2026 on their executing personal bonds 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 they 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 have to appear before the court on all hearing dates without fail.

7. The petitioners shall have to co-operate with the investigation of the case by IO.

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 and then pronounced by me in the Open Court, on this the **22nd day of June 2026**)

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