

KAHS010016322025



**BEFORE THE III ADDL. DISTRICT & SESSIONS COURT AT
HASSAN**

**PRESENT: Sri. Ananda, B.A.L., LL.B., LL.M.
III Addl. District & Sessions Judge,
Hassan.**

Dated this 28th day of February, 2026

:SC/41/2025:

Complainant :

State by:

Aluru Police Station

(By Public Prosecutor)

V/s

Accused :

Jagadeesha S/o Rajegowda,
Aged about 48 years,
R/o Adibailu Village,
K. Hosakote Hobli,
Alur Taluk, Hassan District.

**ORDER ON BAIL APPLICATION FILED BY THE ACCUSED
U/Sec.483 of BNSS**

This application is under Sec.483 of Bharathiya Nagarika
Suraksha Sanhita, 2023, filed on behalf of the accused in S.C.

No.41/2025 of Alur P.S. in Crime No.178/2024 for the reasons stated therein in connection with offences punishable under Sections U/Secs.109, 352 of the Bharathiya Nyaya Sanhita in the interest of justice.

2. The grant of bail is opposed by the learned Public Prosecutor and prayed to reject the application for the reasons set out in her written objections in the interest of justice.

3. Heard arguments from both sides. Perused the materials placed on record.

4. The points that arise for my consideration are:

1. *Whether the Accused is entitled for bail as prayed in the application filed under Sec.483 of BNSS?*

2. *What order?*

5. My answer to the above points are as follows:

*Point No.1: in the **Affirmative**,*

Point No.2: As per final order for the following;

::REASONS::

6. **Point No.1:-** The case of the prosecution, in brief, is that about 20 years ago, the complainant was married to one Jagadeesha, and pursuant to the said marriage, they led a cordial

matrimonial life for several years. However, in recent times, the accused, Jagadeesha, began subjecting the complainant to physical and mental harassment. He would frequently abuse her in foul language, assault her, forcefully ask her to leave the house, and repeatedly issue threats, including threats to kill her. It is alleged that on 14-11-2024 at about 1:30 p.m., when the complainant had come inside the house to have her meals, the accused questioned her presence and threatened to kill her. Thereafter, with the intention of committing her murder, he took a towel that was lying in the house, wrapped it around her neck, and attempted to strangle her by pressing and holding her forcefully. The complainant, however, managed to escape from his clutches and immediately rushed to the jurisdictional police station, where she lodged a complaint narrating the incident. Based on her complaint, a formal case was registered in Crime No.178/2024, and after completion of investigation, a charge sheet came to be filed against the accused for the offences as stated supra.

7. The counsel for the accused while addressing his arguments contends that in connection with the above case, the complainant police have already submitted the final charge sheet

before the Hon'ble Court. As stated by the complainant, the accused has not committed any offence, and a false case has been registered against him. Since the complainant police have already filed the final report before the Hon'ble Court in the above case, the accused is no longer required for the purpose of further investigation. The accused is presently in judicial custody. He is a law-abiding person and a permanent resident of the address mentioned in the cause title. He owns movable and immovable properties. Therefore, if he is released on bail, there is no likelihood of his absconding. He was earning his livelihood by doing coolie work. As he has been in prolonged judicial custody, there is a possibility that he may become physically and mentally weak. If the Hon'ble Court releases the accused on bail, he undertakes that he will not tamper with the prosecution witnesses or influence the complainant in any manner, and he will not obstruct the course of the trial.

8. The counsel further asserted that the accused has aged parents who are dependent on him for their maintenance. If he is not released on bail, his family will be put to severe hardship and may be left destitute. The accused had previously been granted bail by the Hon'ble Court. However, due to ill health, he was

unable to appear before the Court. As he did not possess a mobile phone, he was unable to inform his advocate about his inability to attend. Consequently, the Hon'ble Court issued a non-bailable warrant against him. As he is presently in judicial custody, the present bail petition is filed on his behalf. The accused's family is dependent on daily wage labour for survival. Owing to his judicial custody, the family is facing severe financial difficulties. The accused has not filed any other bail application before any other court seeking bail in this case. If the Hon'ble Court is pleased to grant bail, the accused undertakes to comply with any conditions imposed by the Court. He is ready to appear on every date of hearing and to furnish sureties as may be directed by the Court. Hence, for the forgoing reasons sought to enlarge him on bail.

9. On the contrary, the learned Public Prosecutor vehemently argued for the rejection of the bail application filed by the accused by contending that a case has been registered against him in Alur Police Station Crime No.178/2024 for the offences punishable U/Sec.352, 109 of BNS. She further argued that the accused had earlier been granted bail by the Hon'ble Court and was released accordingly. Thereafter, he remained continuously absent before the Court, due to which the Hon'ble Court was constrained to

issue a warrant against him. In the present bail application filed on behalf of the accused, no explanation whatsoever has been furnished as to the reasons for his non-appearance before the Court. Earlier, a bail application had been filed on similar grounds and bail had been granted; however, once again, the present application has been filed on the very same grounds. Hence, the accused is not entitled to the grant of bail. Several criminal cases have been registered against the accused at Alur Police Station. If he is released on bail, there is every likelihood that he will once again harass his wife (the complainant) and their children. Therefore, the accused is not deserving of bail. The materials placed on record, including the First Information Report and the complaint, prima facie disclose the commission of the offence by the accused. If the accused is released on bail, there is a strong possibility that he may tamper with the prosecution evidence, influence or lure the witnesses, and indulge in acts that would cause irreparable loss and prejudice to the prosecution case. On these and amongst other grounds, the learned Public Prosecutor has opposed the grant of bail and has prayed for dismissal of the bail application.

10. The discussion in this case focuses solely on the bail

application without addressing the merits and demerits of the case itself. The offences alleged against the accused are punishable under Sections 109 and 352 of the Bharathiya Nyaya Sanhita, which, though serious in nature, are not punishable with death or life imprisonment. The allegations made against the accused do not involve grave and heinous offences. The accused has been in judicial custody for an extended period from 24.12.2025. It is not in dispute that the investigation has been completed and charge sheet has already been filed in Crime No.178/2024 of Alur Police Station. Hence, the apprehension of the accused tampering with the evidence or hampering investigation is very less at this stage. The accused is not required for further investigation. Prolonged detention, in this case, does not serve any investigative purpose. Hence, releasing the accused on bail, without expressing any opinion on the merits of the case, upholds the principles of justice and the presumption of innocence. It prevents the possibility of undue hardship caused by prolonged detention to an uncertain period. Furthermore, the accused has been in judicial custody for a significant period of 3 months and presently, the trial is yet to be commenced. Considering the principle of justice and the need for a fair trial, it is appropriate to grant bail to the accused, subject to

stringent conditions. This ensures the accused's presence during the trial proceedings. The bail application is supported by the accused's undertaking to abide by all the conditions imposed by the court and to cooperate fully with the trial proceedings. On the strength of the above discussion, this court holds that the accused has made out grounds for grant of the bail. Accordingly, Point No. 1 is answered in the **affirmative**.

11. Point No.2:- In view of my findings on point No.1, I proceed to pass the following;

ORDER

The application under Sec. 483 of the BNSS filed by the accused is allowed.

The Accused is ordered to release on bail in S.C No.41/2025 for the offence punishable u/s 109, 352 of BNS on executing his personal bond for Rs.1,00,000/- with one surety for like sum to the satisfaction of this Court on the following conditions: -

- 1. Accused shall not contact or influence witnesses in any manner, directly or indirectly, to ensure fair and unbiased testimony.*
- 2. Accused shall not engage in any criminal*

activities while on bail.

3. *Accused shall not leave the jurisdiction of this court without prior written permission.*
4. *Accused shall appear before the court on all the dates of hearing without fail unless exempted by this court on genuine grounds.*
5. *If the Accused fails to comply with any of the conditions stipulated herein above, it is open to the prosecution to move the court for cancellation of bail.*
6. *Accused shall furnish the attested copy of the Adhaar card.*

*(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court, on this the **28th day of February, 2026**)*

(Sri. Ananda)
III Additional District & Sessions
Judge, Hassan