

KAHS010038412026



Presented on : 18-05-2026
Registered on : 18-05-2026
Decided on : 11-06-2026
Duration : 24 days.

**IN THE COURT OF III ADDL. DISTRICT AND SESSIONS
JUDGE, AT HASSAN**

**Present: Sri. Doddegowda K., B.A., LL.B.,
III Addl. District & Sessions Judge,
Hassan.**

Dated this 11th day of June, 2026

Crl. Misc./513/2026

Applicant/ Accused : 1. Nataraja S/o Puttegowda,
Aged about 39 years,
R/o Mallappanahalli village,
Kasaba Hobli, Holenarasipura Taluk,
Hassan district.

2. Sunil S/o Ashok,
Aged about 27 years,

3. Manjunatha S/o Kumar,
Aged about 19 years,
Petitioners No.2 & 3 are
R/o Chikkachagahalli village,
Kasaba Hobli, Holenarasipura Taluk,
Hassan district.

(Rep. by Sri. R.K.N., Adv.)

V/s

Respondent:-

State by:

Holenarasipura Rural Police Station,

(Rep. by Public Prosecutor)

ORDER ON BAIL APPLICATION FILED U/S 482 OF B.N.S.S:

The petitioners/Accused No.1, 2 & 4 have filed the instant bail petition u/s 482 of Bharathiya Nagarika Suraksha Sanhita, 2023 seeking Anticipatory bail in Crime No.87/2026 of Holenarasipura Rural Police Station, for the offences punishable u/secs. 109, 118(1), 126(2), 189(2), 191(2), 352 R/w 190 of Bharathiya Nyaya Sanhita, 2023.

2. In the bail application, it is asserted that they have not committed any offences whatsoever. It is submitted that the respondent police, acting solely on the allegations of the complainant and without any valid basis, have registered a false case against them. The petitioners are law-abiding citizens who have due respect for the law and society. They belong to respectable families and have not committed any of the offences or acts alleged in the complaint. The petitioners submit that, if this Hon'ble Court is pleased to grant them bail, they are ready and willing to comply with all the conditions that may be imposed by the Court. They further undertake to furnish suitable sureties to the satisfaction of this Hon'ble Court.

It is further asserted that the complainant has lodged the present complaint against the petitioners due to prior enmity and personal animosity, and the allegations made therein are false and motivated. The petitioners state that they have not filed any other bail application before this Hon'ble Court or any other Court in respect of the present case. They further submit that no criminal cases have previously been registered against them. The petitioners undertake to appear before this Hon'ble Court on all dates of hearing and to cooperate fully with the investigation by appearing before the Investigating Officer whenever required. In view of the registering of first information report by the respondent police against the petitioners on the basis of complaint, petitioners pray to grant anticipatory bail.

3. The learned public prosecutor has filed objections by contending that the complainant police have registered a case against the instant petitioners for the offences punishable U/Secs. 109, 118(1), 126(2), 189(2), 191(2), 352 R/w 190 of Bharathiya Nyaya Sanhita, 2023. The offences committed by the accused are serious and non-bailable in nature. After committing the offences, the above-mentioned accused have absconded and have filed an anticipatory bail application. The learned public prosecutor

contends that, the investigation in the present case is still in progress. The statement of the eyewitness, Krishna, and other witnesses is yet to be recorded. The injured person, Khushik Gowda, is required to be examined, his statement has to be recorded, and the wound certificate confirming the injuries sustained by him is yet to be obtained. The accused persons are required to be apprehended, and the properties/articles connected with the commission of the offence are yet to be seized. In the event of granting anticipatory bail, there is a likelihood that the accused may not cooperate with the investigation.

She further contends that the clothes worn by the injured Khushik Gowda at the time of the incident are yet to be seized and forwarded to the Forensic Science Laboratory (FSL) for examination and report. A request has already been submitted to the Public Works Department, Holenarasipura, for preparation of the spot sketch/map of the place of occurrence, and the same is yet to be prepared. Further, a requisition has been submitted to the PDO of Aichanahalli Gram Panchayat seeking records relating to the place of occurrence, and the report is yet to be received. Nataraj S/o Puttegowda, resident of Mallappanahalli Village, is an accused in Crime No. 80/2022 of Holenarasipura Rural Police

Station for the offences punishable under Sections 341, 323, 326, 504 and 506 read with Section 34 of the IPC. He is also an accused in Crime No. 179/2016 of Holenarasipura Town Police Station for the offences punishable under Sections 504, 324 and 307 read with Section 34 of the IPC. The accused persons are known rowdy elements and their release is likely to disturb public peace and tranquility. Therefore, at this stage, the petitioners/accused are not entitled to the relief of anticipatory bail.

She further contends that the petitioners/accused have committed serious non-bailable offences. If anticipatory bail is granted, there is every possibility that they may threaten the complainant and other prosecution witnesses and tamper with the prosecution evidence. The petitioners/accused are influential persons having financial strength, public support, and political backing. If anticipatory bail is granted, there is a likelihood that they may continue to engage in similar criminal activities. Hence, they are not entitled to anticipatory bail at this stage. The case is still under investigation. Although statements of certain eyewitnesses have been recorded, the statements of several other witnesses are yet to be obtained.

She further contends that the petitioners/accused may evade the due process of law by remaining absent during trial proceedings with an intention to avoid prosecution. Such conduct would delay the examination of witnesses and disposal of the case. In such circumstances, securing their presence before the Court during trial may become difficult. There is also a possibility that they may destroy material evidence and obstruct a fair and impartial trial. Therefore, grave prejudice and injustice would be caused to the complainant if the accused are granted anticipatory bail. Therefore, at this stage, the petitioners/accused are not entitled to be granted anticipatory bail. Hence, on these and amongst other grounds, learned public prosecutor sought to reject the bail application.

4. Heard the arguments of the learned counsel for the petitioners and learned public prosecutor and perused the documents and other materials placed on record.

5. The points that arise for my consideration are:

- 1. Whether the petitioners/Accused No.1, 2 & 4 are entitled for anticipatory bail as prayed in the application filed U/s 482 of Bharathiya Nagarika Suraksha Sanhita, 2023?*

2. What order?

6. My answer to the above points is as follows:

*Point No.1: As **Negative**,*

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

::REASONS::

7. Point No.1:- The case of the complainant in brief is that, while the complainant was at home, Krishna, a resident of the complainant's village, telephoned him and informed him that his sister's son, Khushik Gowda, had been brutally assaulted and requested him to come immediately to the Government Hospital at Holenarasipura. Upon receiving the information, the complainant rushed to the hospital and enquired with his nephew, Khushik Gowda, about the incident. Khushik Gowda stated that on 12.05.2026, at about 3:45 PM, Sunil of Chikkajagahalli village called him over the phone and invited him to attend a feast at Chikkajagahalli. Accordingly, he, along with his friend Riteesh, aged 22 years, proceeded from Holenarasipura to Chikkajagahalli on a scooter bearing registration No. KA-55-X-3463. When they reached near Belligudda, close to the Hemavathi Canal Area Cross after Kodangi Koppalu, at about 4:00 PM, five persons travelling in a maroon-coloured car owned by Nataraj suddenly intercepted

their scooter. The persons were identified as: Nataraj S/o Puttegowda, aged 39 years, resident of Mallappanahalli, Kasaba Hobli, Holenarasipura Taluk; Sunil S/o of Ashok, aged 27 years; Praveen S/o late Kengegowda, aged 30 years; Manjunath S/o Kumar, aged 19 years; and Madhu, son of Devaraju, aged 26 years, all residents of Chikkajagahalli village, Kasaba Hobli, Holenarasipura Taluk.

It is further alleged that the accused persons, having formed an unlawful assembly and acting with a common intention arising out of previous enmity, threatened Khushik Gowda, stating that they would kill him and throw his body into the canal. They were armed with a long chopper, a dagger, and clubs brought in the car. Thereafter, accused No.1 Nataraj attempted to assault Khushik Gowda on the head with a dagger. When Khushik Gowda tried to evade the blow, he sustained injuries to his face and nose. Subsequently, accused No.2 Sunil took hold of the same dagger and also assaulted him. At the same time, accused No.3 Praveen attempted to assault him with a club and a long chopper, while accused Nos.4 and 5, namely Manjunath and Madhu, restrained both of his hands and instigated the others by shouting that he should be beaten and killed.

It is further alleged that thereafter, Manjunath and Madhu also assaulted Khushik Gowda with clubs and repeatedly punched and kicked him on his face, abdomen, knees, and legs with the intention of causing grievous injuries. The accused further abused him in filthy language. At that time, Krishna, son of late Kengegowda, who was coming from the direction of Chikkajagahalli village, arrived at the spot and intervened, thereby rescuing Khushik Gowda. Even while leaving, the accused persons allegedly threatened him, stating that they would not spare him without killing him and that he would be murdered by them in the coming days. As a result of the assault, Khushik Gowda suffered severe bleeding and collapsed on the road. Thereafter, Krishna and Riteesh shifted him to the Government Hospital, Holenarasipura, for treatment. The complainant further stated that Khushik Gowda was subsequently shifted to the Government Hospital, Hassan, for further treatment. After attending to him and due to the circumstances arising from the medical treatment, the complainant appeared before the police station and lodged the present complaint, requesting legal action against the aforesaid five accused persons for having assaulted Khushik Gowda with the intention of committing his murder. Therefore, based on the

complaint, the respondent police have registered a case against the petitioners/accused No.1, 2 & 4 and others in Crime No.87/2026 for the offences punishable u/secs.109, 118(1), 126(2), 189(2), 191(2), 352 R/w 190 of B.N.S., 2023, and the respondent police have initiated an official investigation into the matter.

8. The allegations against the petitioners is that they having formed an unlawful assembly and acting with a common intention arising out of previous enmity threatened the injured with dire consequences and petitioner No.1 attempted to assault the injured on his head with a dagger and when he tried to evade the blow, he sustained injuries to his face and nose and petitioner No.2 took the same dagger and assaulted him and the petitioner No.3 assaulted him with a club and a long chopper, while accused Nos.4 and 5 restrained both of his hands and instigated the others by shouting that he should be beaten and killed. It is further alleged that the accused Nos.4 and 5 assaulted the injured with clubs and repeatedly punched and kicked him on his face, abdomen, knees, and legs with an intention of causing grievous injuries. The petitioners have denied the allegations levelled against them.

9. Whether or not the petitioners have committed the alleged offences is a matter of trial. Now, it is to be seen whether the petitioners have made out justifiable grounds to enlarge them on bail and they are available for investigation and trial in the event of their release on bail, at this stage. No doubt, the alleged offences are serious in nature and exclusively triable by the court of Sessions. The counsel for the petitioners has contended that the alleged crime has arisen out of the financial transaction and therefore, the petitioners may be enlarged on bail. It is further argued that the injured has already been discharged from the hospital and therefore, the petition may be considered liberally. Per contra, the learned Public Prosecutor has argued that the petitioners along with accused Nos.4 and 5 assaulted the injured with weapons such as dagger and clubs and the injured has sustained nasal bone fracture and therefore, the application deserves to be rejected.

10. As could be seen from the material available on record, there is specific overt acts against the petitioners. Admittedly, the investigation in the case yet not completed. The alleged offences are punishable with imprisonment for life. This court is conscious of the settled position of law that the extraordinary jurisdiction

U/s 438 of Cr.P.C. is to be exercised sparingly, in exceptional circumstances considering the nature and gravity of the alleged offences. It is equally settled law that the court shall strike a balance between the liberty of the individual and interest of the society including the victims. As per the discharge summary, the injured has sustained nasal bone fracture. The very apprehension of the learned Public Prosecutor that the petitioners may not be available for investigation and trial in the event of their release on bail and there is every chance of threatening the Prosecution witnesses in general and the victim in particular, cannot be ruled out. As rightly contended by the learned Public Prosecutor, the i.O. is required to recover the alleged weapons. The very contention of the counsel for the petitioners that the injured has already been discharged from the hospital, by itself cannot be a ground to consider the bail petition. As discussed herein above, there are serious overt acts against the petitioners. The apprehension of the learned Public Prosecutor that the petitioners may evade the investigation and trial in the event of their arrest, at this stage cannot be ruled out. In the facts and circumstances of the case, this court is of the considered opinion that custodial interrogation of the petitioners may appear to be necessary.

Hence, assessed from any angle, this court is of the considered opinion that considering the nature and gravity of the alleged offences and the injuries allegedly sustained by the victim and on account of the fact that the investigation in the case yet not completed and also in view of the fact that the apprehension of the Prosecution that the petitioners may not be available for investigation and trial in the event of their release on bail, at this stage, cannot be ruled out, the petition deserves to be rejected, to subserve the cause of justice. **Accordingly, Point No.1 is answered as Negative.**

11. Point No.2:- In view of foregoing discussion on point No.1, this court proceeds to pass the following:

:O R D E R:

The bail petition filed U/s.482 of B.N.S.S. for grant of anticipatory bail is hereby rejected.

*(Dictated to Stenographer directly on computer, taken out print, corrected by me and then pronounced in the Open-Court on **11th day of June, 2026**)*

[Doddegowda K.]
III Additional District & Sessions
Judge, Hassan.