

KAHS010047002026



Presented on : 01-07-2026
Registered on : 01-07-2026
Decided on : 10-07-2026
Duration : 0 years, 0 months, 09 days

**IN THE COURT OF II ADDL.DISTRICT & SESSIONS
JUDGE, HASSAN.**

:Dated this the 10th day of July, 2026:

:PRESENT:

**Sri. E. Rajeeva Gowda, L.L.M.,
II Addl.District & Sessions Judge, Hassan.**

Crl.Misc./693/2026

Petitioner : Prathap S.R.
S/o Rajegowda,
Aged about 40 years,
R/o Channahalli village,
Kasaba Hobli, Alur Taluk.

(Represented by –
Sri.C.P.U., Advocate)

Vs.

Respondent : State by – Sakaleshapura Town
Police.

(Represented by -
Public Prosecutor)

:ORDERS ON BAIL APPLICATION FILED
UNDER SECTION 482 OF B.N.S.S.:

The petitioner has filed this petition to release him on bail in the event of his arrest in Crime No.115/2026 by the respondent police for the offences punishable under Sections 318(4), 336(3) of The Bharatiya Nyaya Sanhita, 2023.

2. The brief facts of the bail petition is as under;

On perusal of the bail petition reveals that on the basis of the information of Smt.Drakshayini, the respondent police had registered crime against the petitioner for the offences punishable under Sections 318(4), 336(3) of The Bharatiya Nyaya Sanhita, 2023. The petitioner being the accused is apprehending arrest at the hands of respondent police. Therefore, the petitioner has constrained to file this petition to grant bail.

3. The learned Public Prosecutor has received the notice of this petition and filed objection in detailed reiterating the contents of the complaint and contended that this bail petition is not maintainable in law or on facts of the

case. Further contended that there are sufficient materials to show that the petitioner involved in non-bailable offences. The investigation of the case is in progress. Hence, if the petitioner is granted bail, then he will again involve in commission of similar offences and also chance of destroying evidence and hamper the witnesses. Accordingly, prayed for reject the petition.

4. Heard the arguments on both sides and perused the materials on record.

5. The following points that arises for consideration of this Court:-

1. Whether the petitioner has made out sufficient grounds for granting anticipatory bail in his favour in Cr.No.115/2026 of Sakaleshapura Town P.S., at stage as sought for?

2. What Order?

6. This court has answered the above points are as under:-

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

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

:REASONS:

7. POINT NO.1:- The materials available such as the first information and FIR including the IO report prima facie discloses that the respondent police have registered a case against the petitioner in Cr.No.115/2026. Admittedly, the case was registered against the petitioner for the offences punishable under Sections 318(4), 336(3) of The Bharatiya Nyaya Sanhita, 2023, on the complaint of Smt.Drakshayini.

8. The contention of petitioner is that he is innocent of alleged offences and he has no criminal antecedents or any other pending criminal cases against him. He is having roots in society and there is no likelihood of absconding or tampering with prosecution witnesses. But, as submitted by the learned Prosecutor, the investigation of the case is in progress. If petitioner is granted anticipatory bail, he will commit similar offences and hamper the prosecution evidence and tamper the prosecution witnesses and also

chance of destroying evidence and hamper the witnesses. Hence, prayed to reject the petition.

9. However, even for the sake of argument it is accepted that there is prima facie case against the petitioner for the offences punishable under Sections 318(4), 336(3) of Bharatiya Nyaya Sanhita, 2023 is cognizable, non-bailable, but triable by the court of Magistrate. The petitioner has produced the copy of FIR, complaint and order copies of Criminal Miscellaneous petitions passed by the III Addl. District & Sessions Judge Court, Hassan, which indicates that the case has been registered by the petitioner against the defacto complainant and another in Crime No.150/2025 of Alur P.S. for the offences punishable under Section 109, 61(2) read with Section 3(5) of B.N.S. The present petitioner is none other than the husband of the complainant. At this stage, there is no prima facie materials available on record to reject this petition. Hence, there is no reason to deny benefit of anticipatory bail to the petitioner at this stage.

10. Further, the materials on record show that the petitioner is presently residing in Alur taluk. The offences

alleged against the petitioner are not punishable with death or life imprisonment and triable by the court of Magistrate. The contentions of the learned Prosecutor put forth in the objection could be equated by imposing suitable conditions on the petitioner, while granting benefit of anticipatory bail. There is no any special ground made out by the prosecution to reject this bail petition. The petitioner undertake to abide by the conditions if any imposed by this court and also ready to offer surety. Such being the case, under the facts and circumstances, the petitioner is entitled for anticipatory bail. In view of above reasons, this Court has answered point No.1 in the **Affirmative**.

11. POINT NO.2:- In view of answer of this Court on point No.1, this court pass the following:

:ORDER:

The petition filed by the petitioner U/S.482 of B.N.S.S. is hereby allowed.

The petitioner is ordered to be released on bail on execution of personal bond for Rs.1,00,000-00 with a surety for like sum in the event of being arrested in connection with Crime

No.115/2026 by Sakaleshapura Town P.S.,
subject to following conditions;

1. The petitioner shall make himself available for investigation by the IO and shall mark his attendance once in a month preferably on a Second Saturday between 10.00 a.m. to 2.00 p.m. till filing of final report or until further order whichever is earlier.

2. The petitioner shall not cause any threat either directly or indirectly to any of the prosecution witnesses.

3. The petitioner shall not hamper further investigation of the case by the IO.

4. The petitioner shall not indulge in commission of similar offence.

5. The petitioner shall furnish residential proof such as Aadhaar Card or any other ID proof before the concerned Court.

6. The petitioner shall not leave the jurisdiction of the concerned Court without prior permission.

7. The petitioner shall surrender before the SHO/IO within 15 days from the date of this order.

8. Notwithstanding this order of anticipatory bail, the I.O is at liberty to take the petitioner into their custody with prior permission of the jurisdictional Magistrate, if the petitioner is absolutely required for further custodial interrogation and consequential recovery if any.

Violation of any of the conditions shall entail in cancellation of bail.

(Typed to my dictation by the Stenographer Grade-III directly on Computer, corrected and then pronounced by me in the open Court on this the 10th day of July, 2026)

Sd/-

(E. Rajeeva Gowda)

**II Addl.District & Sessions Judge,
Hassan.**