

KAMD010026412026



**IN THE COURT OF THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MANDYA**

Dated: This the 29th day of June - 2026

Present:

Sri Madhvesh Daber

B.Com., LL.B. (Spl.)

IV Addl. District & Sessions Judge,
Mandya.

Crl.Misc.No.546/2026

Petitioner/Accused No.4:

- 1] Santhosh, S/o Late Jayaramu,
Age: 35 years, Occupation: Agriculture,
R/at 7th Cross, Rajakumar Layout,
Swarnasandra, Mandya City.

[R/by Sri S.K.Prakash, Advocate]

V/s.

Respondent:

The State of Karnataka.
Through the PSI Mandya West PS.

[R/by the learned Public Prosecutor]

ORDER

The Petitioner/Accused No.4 has filed the bail
application U/s.482 of BNSS-2023 for grant of

anticipatory bail in Mandya West police station crime No.17/2023, for the offences punishable U/s. 120B, 341, 504, 323, 307, 506, 399, 402 read with Section 149 IPC.

2. The complaint averments reveal that, the complainant viz., Dinesh is resident of 18th Cross, VV Nagar, Mandya. He usually goes to Fitness-1 of Chamundeshwarinagar to do the exercise. Infact the trainer Prashanth while talking to the complainant told that, if he pays a sum of Rs.9 lakhs to the company, he will supply gym items to him from Jarayi company. Accordingly, the complainant paid the amount of Rs.9 lakhs to the Gym trainer Prashanth/ Accused No.1. However, the Gym trainer has not given the gym items. In this regard, the complainant repeatedly asked Prashanth to provide gym items, but he was postponing on one or the other grounds. Finally he gave threat to the complainant that, if he repeatedly ask for either return of the money or supply of gym items, he would murder him. In this regard, the complainant gave complaint to the SP,

Mandya on 20.01.2023 and the SP, Mandya assured that, he will hold enquiry. The said enquiry is still pending.

3. In this background, on 2.2.2023 at about 7:00 a.m. when the complainant was practicing gym as usual, the Gym trainer namely Prashanth and three rowdies who were covering their faces with mask restrained him, abused him in filthy language and caught hold of the collar of the complainant and assaulted with his hands on the face. When Prashanth tried to assault the complainant with iron rod, he escaped unhurt. The companions of Prashanth abetted Prashanth to finish him. However, the matter was pacified by Manjunatha, Darshan and Ravichandra. While going away, the Accused No.1 and others gave life threat to complainant. Therefore, on the basis of the complaint lodged by the complainant, matter was registered in Mandya West PS Crime No.17/2023 for the offences punishable under section 120B, 341, 504, 323, 307, 506, 399, 402 read with Section 149 IPC. During investigation it was found that, the petitioner/ Accused No.4 Santhosh is also

involved in the offence. Hence, the IO after completing investigation submitted charge-sheet against 6 Accused including the petitioner/ Accused No.4 herein.

3. Infact, after filing of the charge-sheet, the matter was tried in SC No.27/2024. He was also released on bail as per order dated 11.09.2024. However, since the petitioner/ Accused No.4 Santhosh could not appear before the court regularly, the matter was split up and a split up case bearing SC No.49/2026 was registered. In SC No.49/2026, NBW was issued against the Accused/ petitioner. Therefore, apprehending his arrest, the petitioner/ Accused No.4 has filed this bail application on several grounds.

4. In response to the notice, the Learned Public Prosecutor appeared for respondent and filed objection.

5. I have heard the argument of both the parties and perused the material on record.

6. Now the points that arise for my consideration are as under :

- 1) Whether the Petitioner/Accused No.4 is entitled for anticipatory bail as sought in the petition?
- 2) What order?

7. My findings on the above points for consideration are as under:

- 1) In the ***Negative.***
- 2) As per the final order, for the following:

REASONS

8. **Point No.1:** I have perused the bail petition, objection statement filed by the prosecution and other material placed on record.

9. During arguments the learned Counsel appearing for the Petitioner/Accused No.4 would contend that, petitioner was granted regular bail in Crl.Mis.131/2023 dated 6.3.2023. Infact after filing of the charge-sheet, due to ill-health of his mother, he could not attend before court in SC No.27/2024. Even after filing

split up charge-sheet in SC No.49/2026 also, he could not attend before the court due to ill-health of his mother. Since he was already granted bail in Crl.Mis.131/2023, he is entitled for anticipatory bail in this case also. Further the investigation is over and charge-sheet is filed. Therefore, he is not required for custodial interrogation. He contended that, even in split up cases also, the Accused is entitled for anticipatory bail. Since trial has not yet started and as he has voluntarily come up before court seeking anticipatory bail, he may be enlarged on anticipatory bail by imposing any stringent conditions. He is ready to abide by any conditions that would be imposed by the court. Till today he has not been convicted for any of the offences by any competent court. He further submitted that, the Petitioner is innocent and not at all committed the alleged offences as alleged by the prosecution in its objection statement. He further submitted that, the Petitioner has been falsely implicated by the prosecution agency at the instigation of the complainant. That, the Petitioner is not at all

concerned with the alleged offences. Whatever the allegations made against the Petitioner are to be established during trial. Hence, learned counsel for petitioner prayed to allow the application and release the petitioner on anticipatory bail. In support of his arguments, he has relied upon the following rulings:

1) WP No.104021/2026 order of Hon'ble High court of Karnataka at Dharwad bench dated 19.05.2026 between Nikhil S/o Krishna Kankonkar V/S State of Karnataka by Ramanagara PS.

2) Criminal Appeal No.830/2026 between Sumit v/S State of Uttar Pradesh and another.

3) Criminal Appeal No.1250/2003 between Bharath Chowdhary and another V/S State of Bihar and another.

4) ILR 2021 KAR 282 Karnataka High Court in Crl.Pet.No.3420/2020 between Mohammed Safwan @ Datta Safwan V/S State of Karnataka.

10. Per contra, the learned Public Prosecutor vehemently submitted that, there is sufficient material against the Petitioner/Accused No.4 and the offences alleged against him are non-bailable. The petitioner is a rowdy sheeter. Several cases are registered against him. In the year 2011, a case under section 307 IPC has been registered against him. Further in the year 2020, a case under section 302 IPC is registered against him. Further in the year 2021-22, two different cases for the offence punishable under section 354 IPC have been registered against him. The order sheet in SC No.27/2024 and SC No.49/2026 would go to show that, petitioner/ Accused No.4 is not regular in attending the court. In this regard, the bail bonds are canceled and Criminal Miscellaneous have been registered against the petitioner/ Accused No.4 and surety which are still pending. If the Petitioner is enlarged on bail, he may abscond from the jurisdiction of the Court and cause hindrance in the trial. He is likely to tamper with prosecution witnesses. He may commit

similar type of offences. With these among other grounds, the learned PP prays to reject the bail petition.

11. It is trite principles of law that while considering bail application, the following points to be taken into consideration:

- a) The nature and seriousness of the offence.
- b) Character of the accused.
- c) Circumstances which are peculiar to accused.
- d) Reasonable probabilities or presence of the accused not being secured at trial
- e) Reasonable apprehension of witnesses being tampered.
- f) Larger interest of Public or the State and similar other considerations, which arise then a Court is asked to admit the accused to bail in a non-bailable offence.

12. In the light of above principles of law, I have perused the material placed on record by both the parties. It is true that, petitioner/ Accused No.4 Santhosh has been granted regular bail in Crl.Mis.131/2023 dated

6.3.2023 by imposing some conditions. It is also true that, in this case, the investigation is over and charge-sheet is filed. The petitioner is not required for custodial interrogation. It is also true that, offences alleged are not exclusively punishable with death sentence or life imprisonment.

13. However, it is significant to note that, in this case, after filing charge-sheet, the matter was registered in SC No.27/2024. In that case, the petitioner was not regularly attending the court. As such it was ordered to file a split up charge-sheet against the petitioner/ Accused. Subsequently, split up case SC No.49/2026 is also registered against the petitioner/ Accused No.4. The records reveal that, in SC No.27/2024, the petitioner/ Accused No.4 appeared before court and got released on bail by offering surety. However, subsequently, he did not appear before court on several dates. Infact the order sheet in SC No.27/2024 would disclose that, the bail bonds of the petitioner/ Accused No.4 were canceled on 14.07.2025. However, subsequently on 15.07.2025, the

Accused again filed application and got himself released on bail. However, on subsequent dates of hearing, the Accused/ petitioner was not regular to the court. Therefore, after giving sufficient opportunity, the case was ordered to be split up against the Accused No.4/ petitioner as per order dated 9.3.2026. It is also to be noticed that, Crl.Mis.252/2026 has been registered against the petitioner and his surety for recovery of the bond amount. In the said Crl.Mis.252/2026, the surety respondent No.1 filed application under section 446 (3) Cr.P.C (491 of BNSS) for remission of the bond amount. However, it is surprising to note that, petitioner/ Accused No.4 without appearing in the said Crl.Mis.252/2026 and without appearing in SC No.49/2026, filed this bail petition seeking anticipatory bail which in my view is not maintainable.

14. It is true that, in a split up case also, accused can seek anticipatory bail. However, in this case, the petitioner has already appeared in the main case. But subsequently failed to appear before court. As such bail

bonds are canceled and separate Crl.Mis was registered against the petitioner/ Accused No.4 and surety. If after grant of bail, the petitioner could not have appeared before regular court because of some reasons and could not comply the court order, then the application filed by the petitioner seeking anticipatory bail would have been maintainable. However, in this case, though the petitioner appeared before court and obtained bail, but subsequently, failed to attend the court regularly. This is nothing but the violation of the bail conditions. As such case is split up against the Accused. Therefore, I am of the view that, petitioner is not obeying the court order. He is not regular before court. The order sheet in SC No.27/2024 and SC No.49/2026 would go to show that, he is not regular before court. Thereby he is hampering the progress of the case.

15. Further the objections filed by PP would go to show that, already several cases are pending against the petitioner/ Accused No.4. In my view if he is released on bail, he may repeat the offences. Hence, there is force in

the argument of the learned PP that, if released on bail, the petitioner may involve himself in similar type of offences. That apart it is to be noticed that, already C.Mis.252/2026 is filed against the petitioner/ Accused No.4 and surety. The respondent No.1/ surety has already appeared and filed application for remission of the bond amount. However, the petitioner/ Accused No.4 has not at all appeared in the case and not yet filed any application for seeking permission to pay the bond amount. Instead he has filed this Crl.Mis for grant of anticipatory bail, which goes to show that, the petitioner is lacking bonafides.

16. Considering all these aspects, I am of the view that, petitioner is not entitled for discretionary relief of bail. With due respect, I submit that since the facts of the present case are different, the principles of rulings relied upon by the learned counsel for the petitioner/ accused No.4 are not helpful to the petitioner/ Accused No.4. Hence, petitioner has not made out grounds for releasing

him on anticipatory bail. Hence, Point No.1 is answered in the **Negative**.

17. **Point No.2:** In view of the aforesaid reasons on Point No.1, I proceed to pass the following:

O R D E R

The bail application U/s.482 of BNSS filed by the Petitioner/Accused No.4 is hereby dismissed.

(Dictated to the Stenographer directly on the Computer. Typed by her. Script corrected and then order pronounced by me in the Open Court on this the 29th day of June -2026).

(Madhvesh Daber)
IV Additional Sessions Judge,
Mandya.

Case called out. Order pronounced in the Open Court. Vide separate order.

ORDER

The bail application U/s.482 of BNSS filed by the Petitioner/Accused No.4 is hereby dismissed.

IV Addl. Sessions Judge,
Mandya.