



**IN THE COURT OF THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE MANDYA**

DATED THIS THE 27TH DAY OF JUNE 2026

-: PRESENT:-

SHRI. YADAVA K.,^{BAL., L.L.B.,}
I ADDL. DISTRICT AND SESSIONS JUDGE, MANDYA

Crl.Misc.No.565/2026

Petitioner/
Accused No.6 : Mythri @ Mahadevaswamy,
S/o Mahadeva,
Aged about 22 years,
R/at Machnauakanahalli
Village, Hirehalli Post,
H.D.Kote Hobli,
Mysuru District.
[By : BRV- Advocate]

-V/S -

Respondent : The State by Mandya Rural
Police Station.
[By : Pubic Prosecutor]

**:ORDER ON PETITION FILED BY THE
PETITIONER/ACCUSED NO.6 UNDER SECTION 438 of
CR.P.C/482 OF BHARATHIYA NAGARIK SURAKSHA
SANHITA, 2023:**

The present petition is filed under section 438 of
CR.P.C./482 of Bharathiya Nagarik Suraksha Sanhita,



2023, seeking anticipatory bail in Crime No.159/2020 registered by the respondent Mandya Rural police station for the offences punishable under sections 143, 147, 448, 307, 326 R/w section 149 of IPC.

2. In this matter after registering the crime investigation completed and after investigation matter committed against other accused except the present petitioner who is accused No.6. As other accused secured before the committal Court matter committed to this Court by the committal Court and now S.C. No.58/2023 is pending against other accused. After final report separate C.C. No.208/2023 registered against accused No.6/petitioner and continued against him before committal Court as he is not secured.

3. As per final report the allegation against the accused No.1 to 6 that on 22.03.2020 evening at about 6-00 p.m. within the jurisdiction of respondent police station at Karasavadi village, Mandya Taluk near Binayaka Extension, 2nd Cross when the CW1 to CW4 were in the house, the accused went near the house to collect money. There was quarrel between the two groups belongs to accused and CW1 to CW4 with respect to collection money as they were performing pooja in the festival in the area. The accused



with intention to kill CW1 and CW2 forming unlawful assembly holding deadly weapons went in a vehicle Tata Sumo bearing No. KA-05 D-8483 near the house of CW1 to CW4, and they illegally entered the house and abused CW1 and CW2 with filthy language. Accused No.1 assaulted CW2 with Machchatte on the head of CW2 and caused injury. Again accused No.2 assaulted CW2 with Machchatte and caused injury to right hand. The accused with intention to kill the CW1 to CW4 attacked on them. Based said incident crime registered and after the investigation final report filed against accused No.1 to 6. After that except accused No.6 matter committed to this Court and matter pending in S.C. No.58/2023. The matter continued against the accused No.6 before committal court as he not secured before committal court.

4. The present petition filed by the petitioner/accused No.6 seeking anticipatory bail. It is contended that he is innocent of the offence alleged against him. He has not aware about the case registered against him. He will not flee away from the jurisdiction of the Court. He not appeared before the committal Court because he is not aware about the crime. Now investigation is completed and his custody is



not necessary. With the above grounds he prays to grant bail.

5. The petition is opposed by learned Public prosecutor by filing statement of objection. It is contended that during the investigation accused not secured now he is not entitle to bail. The investigation though completed the trial is not commenced. Hence, he is not entitle to bail and prays to reject the petition.

6. I have heard the parties and perused the materials on record. The points that arise for my consideration is:-

1] Whether petitioners/accused No.6 have made grounds to grant anticipatory bail under section 482 of Bharathiya Nagarik Suraksha Sanhita, 2023, in Crime No.159/2020 registered by the respondent Mandya Rural Police Station for the offenses punishable under section 143, 147, 448, 307, 326 R/e 149 of IPC, ?

2] What order, ?

7. My answer to the above said point which as under.

1. Point No.1 : In the Affirmative;
2. Point No.2 : As per final order for the following:-



-.REASONS:-

8. **POINT NO.1:-** Though the offence alleged is punishable under section 307 of IPC but during the investigation the accused not secured. Now in his absence the case committed to the Sessions Court except the present petitioner and now the Sessions case pending against other accused. Before the trial Court NBW issued against the accused No.6, but no proclamation issued against him. The complainant police not secured the present petitioner though NBW issued against him since 2023 after registering separate C.C.No.208/2023.

9. In the case on hand random allegation made against the present petitioner/accused No.6. It is contention that he along with other accused assault Cw.1 to CW.4. The FIR disclosing that accused No.1 and 2 assaulted Machchatte to CW1 and CW2. There is no specific allegation against petitioner in the final report. These aspects show that the allegation against the accused is to be proved after trial.

10. The offence alleged against the accused is not exclusively punishable with death or imprisonment for life.



Even though offence alleged is punishable under section 307 of IPC, same is subject to proof against accused No.6/petitioner. There is no specific allegation that he assaulted with Machchatte to the CW1 and CW2. These circumstances shows that the petitioner is made grounds to enlarge him on anticipatory bail.

11. I have also perused the contention of the prosecution that he was not secured during investigation. But fact remains that though NBW issued against him, complainant police not secured him before the committal Court. Under these circumstances if the accused is directed to appear before the trial Court, granting anticipatory bail it will serve the purpose. No prejudice will cause to the prosecution case if the accused is enlarged on anticipatory bail. From the circumstances, he entitle to bail. Hence, I answer Point No.1 in the Affirmative.

12. **POINT NO.2:-** In view of my finding on point No.1, I proceed to pass the following:-

:-ORDER:-

The bail petition in Crl.Misc.No.565/2026 filed by the petitioner/accused No.6 under section 482 of *Bharathiya Nagarik Suraksha Sanhita, 2023* is



herewith allowed. The petitioner is granted anticipatory bail in Crime No.159/2020 registered by the respondent Mandya Rural Police Station for the offenses punishable under sections 143, 147, 448, 307, 326 R/w section 149 of IPC. In the event of arrest of the petitioner/Accused No.6 in the above said crime the arresting authority is directed to release him on bail on the following conditions.

1. The petitioner/Accused No.6 shall execute personal bond for sum of Rs.2,00,000/- with two solvent sureties for like sum.
2. The petitioner /Accused No. 6 shall appear before the Jurisdictional Magistrate within 10 days from the date of this order for the purpose of execution of bail bond and sureties.
3. The petitioner/Accused No. 6 shall not leave India without prior permission of the Court.
4. The petitioner/Accused No. 6 and his sureties shall furnish permanent and present address proofs, both residential and official if any.
5. The petitioner/Accused No.6 and his sureties to intimate the concerned court as well as the concerned police regarding any changes in address with proof, in the form



of affidavit.

6. The petitioner/Accused No. 6 shall not indulge in any criminal activities. *

7. The petitioner/Accused No.6 shall not threaten prosecution witnesses and tamper prosecution witnesses.

8. The petitioner/Accused No. 6 shall appear before the concerned court on all hearing dates unless his presence is dispensed by the Court.

9. If any of the above conditions are violated by the petitioner/Accused No. 6 bail granted now shall stand canceled without further order from the court.

*(Dictated to the stenographer -I, same is corrected, signed and then pronounced by me in the open court, on this the **27th day of June, 2026**)*

(YADAVA K)
I Additional District & Sessions
Judge, Mandya

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