

KAMD010013862026



**IN THE COURT OF THE I-ADDL. DISTRICT & SESSIONS
JUDGE, AT MANDYA.**

Dated this the 4th day of April, 2026

: PRESENT :

Sri. SHIVAPRASAD K.B., B.Com., LL.B.,
I-Addl. District & Sessions Judge,
Mandya.

Crl. Misc. No.269/2026

PETITIONER : Purushotham Patel S
S/o C.Shivakumar Swamy,
Aged about 55 years,
R/o: Panjanahalli Village,
Gundulpet taluk,
Chamarajanagara District,
Chamarajanagara.

**(By Sri.G.S.Naveen Kumar,
Advocate)**

V/S

RESPONDENT : The State by Mandya CEN Crime
Police Station.

[By learned Public Prosecutor]

**ORDER ON BAIL PETITION UNDER SEC.482 OF
BHARATIYA NAGARIKA SURAKSHA SANHITA
2023**

The petitioner filed bail petition under Sec.482 of Bharathiya Nagrika Suraksha Sanhitha- 2023 seeking for his release, in the event of his arrest for the offences punishable under Sec.318(4), 319(2), 303(2) of BNS and

under Sec. 66C and 66D of Information Technology Act-2000.

2. The petitioner by filing bail petition contended that, he is innocent of the alleged offences and he has not committed any offences. He is law abiding citizen. He has been falsely implicated in this case. He hails from the respectable family and having deep roots in the society. The petitioner is the sole bread earner of his family. The offences are not punishable with imprisonment for life or death and they are triable by Magistrate. He is the permanent resident of address shown in the cause title and respectable person in the society. He is ready to offer surety and ready to abide by the conditions that may be imposed by the court. Thus, he prayed to allow the bail petition.

3. The learned Public Prosecutor filed detailed objection statement resisting the bail petition and contended that the petitioner has committed the offences punishable U/Sec.318(4), 319(2), 303(2) of BNS and under Sec. 66C and 66D of Information Technology Act-2000. Among the offences alleged the offence U/Sec, 318(4) of BNS is punishable with imprisonment for 10 years and fine and therefore, the petitioner is not entitled for anticipatory bail. The investigating agency completed the investigation and filed the charge sheet in C.C. No.95/2026. As held in the decision reported in ILR 2016 KAR 1516 and (2016) 3 SCC (Crl.) 685, merely charge sheet submitted, the accused is not entitle for bail. Further, in the decision 2001(1) Crimes Page 30, it is held that once the bail application submitted, the accused is not entitle for bail subsequently. In the decision reported in (2011) 3 SCC (Crl.) 765 held that while

considering the bail application in grave offences, the court has to consider the prima facie case, gravity of the offences and severity of punishment, chances of absconding of the accused, manner of the incident and antecedents of accused. In the decision reported in 2017(2) Crimes 56 (SC) Supreme Court of India Virupakshappa Gowda & Ant. V/s State of Karnataka & Anr. Held that “ Filing of chargesheet is not change of circumstances- Does not lessen allegations made by the Prosecution”. The accused person uploaded the obscene messages in the social media and there is prima facie case against the petitioner. The petitioner economically influential person. If he is enlarged on bail, there is every chances of threatening the first informant or destroy the evidences or abscond from the trial. Hence, prayed to reject the bail petition.

4. Heard learned counsel for the petitioner and learned Public prosecutor. The learned counsel for the petitioner furnished the charge sheet and its annexures.

5. Upon hearing the parties and considering the materials on record, the points that arise for my consideration are as under;

Point no.1: Whether the petitioner entitle for anticipatory bail under Sec.482 of BNSS-2023?

Point No.2 : What order?

6. My finding to the above points are as follows:

Point No.1 : In the Affirmative,

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

REASONS**Point No.1 :**

7. FIR in Cr. No.26/2025 came to be registered on 19.05.2025 by the respondent police for offences punishable U/Sec.318(4), 319(2), 303(2) of BNS and under Sec. 66C and 66D of Information Technology Act-2000 against the petitioner, on the complaint of first informant Hemanth Kumar M.

8. After completion of investigation, the prosecution submitted the charge sheet against one Hemanth and petitioner for the said offences.

9. The factual matrix of the Prosecution case is that, on 06.03.2025, while first informant CW1 was waiting for the KSRTC bus to go to Mysore at KSRTC bus stand Mandya, the accused no.1 committed theft of his mobile phone. On 08.03.2025, accused no. 1 approached the petitioner at his shop and got transferred ₹ 38,900 and ₹ 32,000 from the bank account of first informant CW1, through the phonepay from stolen mobile phone of CW1, on the false pretext that he forget to bring his ATM card. Thereafter, the accused no.1 obtained the money from the petitioner, by paying commission of Rs.700/- to the petitioner. Hence to prosecution alleged that the petitioner and Accused no.1 have committed the aforesaid alleged offences.

10. The learned counsel for the petitioner has not committed any offences and he has been falsely implicated in this case. There is no prima facie case made out against the petitioner. The investigation is completed and custodial investigation of petitioner is not required in the case.

Further, he contended that the alleged offences are not punishable with death or imprisonment for life. He is ready to offer surety and abide by the conditions that may be imposed by this court. Hence, prayed to allow the bail petition.

11. The learned P.P. contended that there is prima facie case against the petitioner and if the petitioner is enlarged on bail, he may threaten or tamper the prosecution evidences. Hence, she prayed to dismiss the bail petition.

12. As could be seen from the records, it appears that an amount of ₹ 38,900 transferred to the bank account of petitioner and an amount of ₹ 32,000 transferred to the bank account of Shruthi from the bank account of first informant on 08.03.2025. The record further appears that the Investigating Authority freezed the said amounts and the learned Magistrate released the said monies to the first informant. The record reveals that the petitioner and said Shruti have cooperated with the investigation process and gave their statements, denying their involvement. The Investigating Authority secured the statement of accounts and after completion of investigation, submitted the charge sheet. Now, the disputed question whether the petitioner committed the aforesaid alleged offences are the matters of trial. The prosecution laid its case on the basis of documentary evidences and as investigation is completed, his custodial interrogation is not required. The petitioner undertake to cooperate with the trial of the case and ready to abide by any conditions that may be imposed by the court. He is the resident of Gundlupet Taluk, Chamarajanagar District and he could be secured for

investigation purpose. The apprehension of the prosecution could be met by imposing appropriate conditions. Thus, considering the aforesaid aspects of the matter, this court is of the considered view that the petitioner can be admitted to pre-arrest bail, subject to conditions. Hence, I hold the point no.1 is in the Affirmative.

Point no.2:

13. In view of my above finding on point No.1, I proceed to pass the following;

ORDER

The petition filed by the petitioner under Sec.482 of Bharathiya Nagarika Suraksha Sanhitha-2023, is allowed.

Petitioner shall be released on anticipatory bail in connection with Cr.No.26/2025 (C.C.No.95/2026 on the file of learned II Addl. Senior Civil Judge and JMFC, Mandya) registered by the respondent in the event of his arrest by the arresting officer, for the offences punishable under U/Sec.318(4), 319(2), 303(2) of BNS and U/Sec. 66(C), 66(D) of Information Technology Act , on executing personal bond for a sum of Rs.1,00,000/-, with one surety for the like sum to the satisfaction of arresting officer, subject to following conditions:

1) He shall surrender himself before the learned II Addl. Senior Civil Judge and

JMFC, Mandya with in 7 days from today and seek for regular bail.

2) He shall not commit similar offences.

3) He shall not threaten the prosecution witnesses or tamper prosecution evidences in any manner.

4) He shall produce his residential address proof and furnish his contact phone number before the learned Magistrate or arresting officer.

(Dictated to the STENOGRAPHER GRADE-I, Transcript computerized by him, SCRIPT corrected, signed and then pronounced by me in the open Court on this the 4th day of April, 2026)

(SHIVAPRASAD.K.B.)
I-Addl. District & Sessions Judge
Mandya.