



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

Dated this the 20th day of July 2026.

PRESENT

Sri Hattikal Prabhu S., M.A., LL.M.
*II Addl. District & Sessions Judge,
Mandya.*

Crl.R.P. No.118/2025

- Petitioners :** 1. Sri G.S. Siddegowda,
S/o Siddegowda,
Aged about 52 years.
2. Sri G.R. Vasu,
S/o G.K. Ramalingegowda,
Aged about 39 years.
3. Sri G.K. Somashekhar,
S/o Late G.S. Jayaramu,
Aged about 41 years.
4. Sri G.L. Sathish,
S/o Late Lingegowda,
Aged about 53 years.
5. Sri Vinodkumar G.J.,
S/o Jayaramu G.D.,
Aged about 37 years.

*P1 to 5 are R/at Goravale Village,
Dudda Hobli, Mandya Taluk,
Mandya District.*

(By Sri Divakara H.K., Advocate)

- V/s -

Respondent : *Taluk Executive Magistrate,
Mandya Taluk, Mandya.*

(By Learned Public Prosecutor)

** * **

ORDERS

This is a petition filed by the petitioners seeking set-aside of the impugned order dated 29.10.2025 and the proceedings initiated by the respondent/Taluka Executive Magistrate, Mandya in M.A.G.C.R. No.87/2025-26.

2. *In the petition petitioners have stated that, the respondent has initiated proceedings against the petitioners under Section 126 of BNSS, directing the petitioners to appear before him on 06.11.2025 at 3.00pm and to execute bond of ₹.1,00,000/- each with a surety for the like-sum, even though there is no valid and preliminary enquiry was conducted. In the absence of any preliminary order, there cannot be a proceedings under Section 126 BNSS. The respondent without enquiring the truth in the allegations passed the mechanical order. Accordingly, the petitioners have sought for setting aside the order.*

3. *The learned Public Prosecutor has appeared and contested the petition.*

4. *Heard arguments and perused the material placed on record.*

5. *Now the point that would arise for determination of the court is :*

Whether the petitioners have made out good and sufficient grounds to interfere in the impugned proceedings ?

6. *My finding on the above said point is in the 'Affirmative' for the following:*

REASONS

7. **Point No.1 :** *In brief, on perusal of records, it is evident that, the Sub-Inspector of Police, Shivalli Police Station had filed a report before the respondent in PAR No.20/2025, dated 11.10.2025 seeking initiation of proceedings under Section 126 of BNSS against the petitioners alleging that, they are committing breach of peace or disturbing the public tranquility.*

8. *On the basis of the report given by the Sub Inspector of Police, Shivalli Police Station, respondent has*

registered the same in MAGCR No.87/2025-26 and passed an order dated 29.10.2025, under Section 126 of BNSS, calling upon the petitioners to show as to why a bond of ₹.1,00,000/- each with a surety for the like-sum should not be insisted from them for keeping peace within the limits of Shivalli Police Station.

9. *Perused the same, the respondent has issued notice to petitioners calling upon them to appear on 06.11.2025 at 3.00pm.*

10. *Being aggrieved against the said action or proceedings initiated by the respondent, the petitioners have filed this petition on the ground that, the impugned order/proceedings are incorrect, improper and illegal. Further the petitioners have stated that, impugned order is without basis and the respondent has blindly accepted the report, the respondent has not followed the procedure, there is no truth in the allegations made against the petitioners.*

11. *It is well settled principle of law that, the apprehension of breach of peace can only be based on the conduct of the parties, either present or on immediate before passing the order by the Magistrate. The Magistrate must get satisfied that, such circumstances are justifying in initiating proceedings.*

12. *On perusal of the records, it is evident that the respondent has passed an order based on a report submitted by the Sub-Inspector of Police, Shivalli Police Station. The copy of the order has been produced before this Court.*

It reads as thus ;

“ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ಶಿವಳ್ಳಿ ಪೊಲೀಸ್ ಠಾಣೆ, ರವರು ಸಲ್ಲಿಸಿರುವ ಪಿ.ಎ.ಆರ್. ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸದರಿ ವಿಚಾರವು ವಾಸ್ತವಾಂಶವೆಂದು ಮನವರಿಕೆಯಾಗಿದ್ದು ಹಾಗೂ ಶಾಂತಿ ಭಂಗ ಉಂಟಾಗುವುದನ್ನು ತಡೆಗಟ್ಟಲು ಪ್ರತಿವಾದಿಗಳಾದ ನಿಮ್ಮ ಮೇಲೆ ಕಲಂ.126 ಭಾರತೀಯ ನಾಗರಿಕ ಸುರಕ್ಷ ಸಂಹಿತೆ-2023 ರ ಪ್ರಕಾರ ರೂ.1,00,000/- ವೈಯಕ್ತಿಕ ಮುಚ್ಚಳಿಕೆಯನ್ನು ಒಂದು ವರ್ಷದ ಅವಧಿಗೆ ಅಥವಾ ಜವಾಬ್ದಾರಿಯುತ ವ್ಯಕ್ತಿಯ ಜಾಮೀನನ್ನು ಸಹ ಏಕೆ ನಿಮ್ಮಿಂದ ಪಡೆಯಬಾರದು ಎಂಬುದಕ್ಕೆ ನಿಮ್ಮ ಹೇಳಿಕೆ ನೀಡಲು ದಿನಾಂಕ 06-11-2025 ರಂದು ಮಧ್ಯಾಹ್ನ 3.00 ಗಂಟೆಗೆ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹಾಜರಾಗುವಂತೆ ತಾಲ್ಲೂಕು ದಂಡಾಧಿಕಾರಿಯಾದ ನಾನು ಆದೇಶಿಸಿದ್ದೇನೆ.”

13. *On going through the order passed by the respondent it is evident that, as per the report given by the Sub-Inspector of Police, Shivalli Police Station, there are chances of breach of peace and damaging the public property. Thereby, the proceedings have been initiated.*

14. *The report given by the Sub-Inspector of Police, Shivalli Police Station does not disclose anything to say the conduct of the petitioners previously. There is no sufficient grounds or material on record for the respondent*

to say that, there is an apprehension of breach of peace, if at all there was any incident previous years would have taken place, the matter would have been different. Only on the basis of the report given, respondent has initiated proceedings against the petitioners, calling upon them to execute bond and to maintain public peace within the limits of Shivalli Police Station.

15. Section 126 of BNSS contemplates that, there shall be sufficient grounds for proceedings, requiring such person to show cause as to why they shall not be ordered to execute a bond for keeping peace for such period. The report does not disclose anything to say that, these petitioners were in any way involved in any such activity which leads to breach of peace or tranquility. Just because a report has been furnished before the respondent, without looking into the fact whether there is any necessity or whether there is any real apprehension for breach of peace or not, without assessing the truth of information and getting satisfied as to the need for taking such action against the concerned person, the respondent has initiated the proceedings and has passed the order which required to be interfered with by this Court. Hence, I hold the petitioners are made out grounds to interfere with the order. Accordingly, I answer above said point for

determination in the '**Affirmative**' and proceed to pass the following:

ORDER

The Revision Petition filed by the Revision petitioners under Section 438 of BNSS is hereby allowed.

The impugned order passed by the Respondent/Taluk Executive Magistrate, Mandya in M.A.G.C.R. No.87/2025-26, dated 29.10.2025 initiating proceedings against the petitioners under Section 126 of BNSS is hereby set aside.

Send a copy of this order forthwith to the respondent.

*(Typed to my dictation by Stenographer-III directly on computer, corrected, signed and then pronounced by me in the Open Court, on this the **20th day of July, 2026**)*

(Hattikal Prabhu S.,)
II Addl. District & Sessions Judge,
Mandya.

