

KAMD700001952026



**IN THE COURT OF THE
III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MANDYA,
[SITTING AT SRIRANGAPATNA].**

Dated this the 8th day of April, 2026.

PRESENT

Smt. Jyothsna D, LLB, LLM, DFA.
III Addl. District and Sessions Judge, Mandya,
[Sitting at Srirangapatna].

Crl.Misc./5108/2026

- Petitioners : 1. Swamygowda S/o Moganna, Aged about 55 years, Residing at 92, Haganahalli Aralakuppe, Mandya, Karnataka 571 427.
2. Makiah H K S/o Karigowda, Aged about 42 years, Residing at Pandavapura Taluk, Haganahalli, Aralakuppe, Pandavapura, Mandya, Karnataka 571 427.
3. Mahesha H Y S/o Yogesha, Aged about 25 years, Residing at Haganahalli, Aralakuppe, Pandavapura District, Mandya, Karnataka 571 427.
4. Yogesha S/o Moganna, 51 years, Residing at Chinakurali Hobli, Haganahalli, Aralakuppe, Mandya, Karnataka 571 427.

By Sri/Smt. Madhu S, Advocate.

-Vs-

Respondent: State of Karnataka,
By Kyathanahalli Police Station,
Mandya District.

By the learned Public Prosecutor.

ORDER

The present bail petition is filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking bail in the event of their arrest in Cr.No.46 of 2026 of the respondent Police Station for the offences punishable under Section 115[2], 351[2], 118[1], 352, 324[4] r/w Section 3[5] Bharatiya Nyaya Sanhita.

2. In the bail petition, it is contended that the petitioners are innocent and they have not committed the alleged offences and they have been falsely implicated in the case. They does not pose any flight risk and undertakes to appear before the Court on all hearing dates. They are law abiding citizens and hailing from respectable families and having deep roots in the Society. They have good reputation in the eye of Society. They have no criminal antecedents. They are ready to a abide by any conditions that may be imposed by this Court and

furnish surety to the satisfaction of the Court and appear before the Court on all hearing dates. Inter-alia on all these grounds the petitioners pray to enlarge them on bail.

3. Whereas, the learned Public Prosecutor in her objection reiterated the complaint averments and contended that a case came to be registered against the petitioners in Cr.No.46 of 2026 for the offences punishable under Section 115[2], 351[2], 118[1], 352, 324[4] r/w Section 3[5] Bharatiya Nyaya Sanhita. There are prima facie case made against the petitioners. At this stage, there are reasonable grounds to believe that they have committed the alleged offences. If they are released on bail they may abscond violating the bail conditions and may commit similar offences. Investigation into the matter is not yet completed and their presence is required for the purpose of investigation and interrogation. Inter-alia on these grounds the learned Public Prosecutor prays for rejecting of the bail petition.

4. Heard arguments of both the side. Perused the material on record.

5. On the basis of the above materials, the following points arise for determination of this Court;

1. Whether there are grounds to enlarge the petitioners on bail?
2. What order?
6. The findings of this Court to the aforesaid points for consideration are as under;

Point No.1 :In the affirmative.

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

REASONS

7. **Point No.1:** A case was registered before respondent-police station on 25.03.2026 in Cr.No.46 of 2026 against the petitioners for the offences punishable under Section 115[2], 351[2], 118[1], 352, 324[4] r/w Section 3[5] Bharatiya Nyaya Sanhita on the basis of complaint lodged by Swamygowda.

8. The sum and substance of the FIR is that the complainant was allotted with vacant side from the Government. In said site there is a house which is 45 years old which is in a dilapidated condition. Hence, the complainant obtained license from Katteri Grama Panchayath for construction of new building. On 25.06.2026 at about 8.00 a.m. the accused persons started to dump stones and fire-wood in said place and at that

time the complainant and his son asked the accused as to why they were dumping stones and fire-wood in said place. At that time the complainant's son pacified the altercation, but started to videograph the ongoing situation and at that time the accused started abusing them in filthy words and snatched the mobile phone of the complainant worth Rs.40,000/- and damaged it and accordingly, sustained loss to the complainant's son. Further, they started to assault the complainant and his son with a club and threatened them of their lives. Accordingly, both the complainant and his son sustained injuries. The daughter-in-law of the complainant called 'Help Line No.112' and the Police came to the spot and suggested to go the Hospital. Accordingly, the complainant and his son went to the Hospital in a Car for treatment. One Umesha, Mallesha and Rakshith of their Village took them to Suyog Hospital, Mysuru. The Doctor suggested for surgery to the complainant's son. Hence, he is admitted as inpatient in the Hospital and subsequently, the complainant came to the Police Station and registered a complaint.

9. Here in this case the learned Counsel for the petitioners have produced certified copy of the

complaint, mahazar, acknowledgment issued by the Police Station on 26.01.2026, 25.03.2026 and 24.03.2026 and also filed case status in O.S.No.51 of 2026 and argued that there is a civil case pending and on that basis there was frequent quarrel between them. The acknowledgment produced by them shows the fact that the accused herein had earlier lodged a complaint against the victim of the present case on the same day.

10. Further, it is relevant to note here that learned Counsel for the petitioners has produced xerox copy of marriage invitation Card pertaining to one of the relatives of the petitioners herein. The marriage invitation card depicts the name of petitioners 1 and 4 which fact goes to show that the petitioners are close relatives to the person whose marriage is scheduled to be held on 11.04.2026 and 12.04.2026.

11. It is important to note here that if the present petitioners are detained in custody and they remaining absent from attending the marriage ceremony of their close relative, gives room for strained relationship between the family members and also their reputation in the eye of Society and their family members would be lowered.

12. Added to this fact, there is a civil suit filed by the petitioner No.1 against the family members of the complainant herein before the Civil Judge and JMFC, Pandavapura, which goes to show that there is a civil suit pending between the parties and the same might be the cause for the present criminal case which is a matter to be decided during full fledged trial.

13. Furthermore, the offence under Section 118[1] Bharatiya Nyaya Sanhita is a non-bailable offence and rest of the offences alleged against the petitioners are bailable offences. Added to this all the offences alleged against them are triable by the Court of Magistrate.

14. It is presumed that “the accused is innocent until the guilt is proved beyond all reasonable doubts, in full fledged trial by the prosecution. Until then it is not proper to put the accused in jail as a measurement of pre-trial punishment”. On this score also it is proper to exercise judicial discretion provided under Section 482 of Bharatiya Nyaya Sanhita.

15. It is settled position of law by the Catena of decision of Hon’ble Apex Court and various High Court that “the bail is the rule and jail is an exception and

securing the presence of accused for trial and protection of witnesses from tampering are main consideration at the stage of granting bail”.

16. Further, investigation into the matter is not yet completed and presence of the petitioners is required by the Investigating Officer for the purpose of investigation and interrogation. At this stage the petitioners claim to be the permanent residents of address shown in the cause title of the bail petition having movable and immovable properties at their disposal. It is urged that the petitioners are ready and willing to furnish surety to the satisfaction of the Investigating Officer and the Court to ensure their attendance before the Investigating Officer for investigation and they are ready to abide by any conditions imposed by Court. As such, possibility of the petitioners remaining absconding is too remote.

17. The apprehension of the prosecution that the petitioners may tamper the prosecution witnesses and hamper the investigation and abscond can be taken care of by imposition of suitable conditions. Accordingly, considering all these aspects, this Court is of the opinion that the petitioners are entitled for the relief of bail as

prayed for by them and accordingly, point No.1 is answered in the affirmative.

18. **Point No.2 :** In view of the findings on point No.1 in the affirmative, this Court proceeds to pass the following;

ORDER

The bail petition filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, is hereby allowed.

The petitioners shall be released on bail in the event of their arrest in Cr.No.46 of 2026 on execution of their personal bond for Rs.50,000/- [Rupees fifty thousand only] each with one surety for the like sum, subject to the following conditions:

1. The petitioners shall appear before the Investigating Officer within 20 days from the date of this order and co-operate him investigation of the case.
2. They shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.

3. They shall not commit offences similar to the one alleged.

[Typed to my dictation by the Stenographer Grade-1 directly on Computer, corrected by me and then pronounced in open Court on this the 8th day of April, 2026]

[Jyothsna D]

III Addl. District & Sessions Judge,
Mandya, [Sitting at Srirangapatna].