

KAMD700001982026



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

Dated this the 17th day of April, 2026

PRESENT

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

Crl.Misc./5110/2026

- Petitioners : 1. Eshwaragowda M.N. S/o Late
Muddalingegowda, Aged about 52
years.
2. Shivaru M.N. S/o Late
Muddalingegowda, Aged about 48
years.

Both are residents of Maruvanahalli
Village, Sheelanere Hobli, K.R.Pete
Taluk, Mandya District.

By Sri Swamy S, Advocate.

V/s

Respondent: State of Karnataka,
By K.R.Pete Town Police Station,
Mandya District.

By the learned Public Prosecutor.

ORDER

The present bail petition is filed by the petitioners under Section 482 of Bharatiya Nagarika Suraksha Sanhita seeking bail in the event of their arrest by the respondent Police in Cr.No.256 of 2025, for the offences punishable under Section 352, 115[2], 118[1], 118[2], 351[2] r/w Section 3[5] Bharatiya Nagarika Sanhitha.

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. Except the offence under Section 118[2] Bharatiya Nyaya Sanhita, rest of the offence are bailable offence and triable by JMFC. They hail from respectable family. They have no criminal antecedents. They are the permanent residents of the address mentioned in the cause title to the petition having movable and immovable properties at their disposal. Due to old animosity with regard to division of properties, a false case has been foisted against them. They are ready to 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 has reiterated the complaint averments and contended that a case came to be registered against the petitioners in Cr.No.256 of 2025 for the offences punishable under Section 352, 115[2], 118[1] r/w Section 3[5] of Bharathiya Nagarika Sanhitha. On completion of investigation charge sheet in C.C.No.119 of 2026 on the file of Civil Judge [Jr.Dn.] and JMFC, K.R.Pete, came to be registered. There are prima facie case made out against the petitioners. At this stage if they are enlarged on bail, there are chances of they tampering the prosecution witnesses, threatening them and abscond. 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 17.12.2025 in Cr.No.256 of 2025 against the petitioners for the offences punishable under Section 352, 115[2], 118[1] r/w Section 3[5] of Bharathiya Nagarika Sanhitha, on the basis of complaint lodged by Vijaykumar M.N. On completion of investigation charge sheet came to be filed.

8. The sum and substance of the FIR is that the accused requested the complainant to lend loan to renovate their house as they are his brothers. The complainant availed loan of Rs.3,00,000/- from Siddagatta Canara Bank Branch five years back and lent the same to his brothers. But, till date his brothers have not repaid said amount. The said Bank issued notice to the complainant through competent Court of law. On 17.12.2025 at about 3.30 p.m. he informed the accused to come near the Bank for repayment of loan amount. At that time the accused abused the complainant in filthy words and stated that they will not repay the loan amount. When the complainant's son asked as to why they are abusing

his father, they assaulted on his back and head and injured his left eye with a Scooter key. His left eye sustained grievous bleeding injuries. At that time Gangegowda of Arebuvanahalli Village, Vinay of Maruvanahalli Village and B.H.Ram of Bandihole Village pacified the quarrel. The injured was taken to K.R.Pete Government Hospital and later shifted to JSS Hospital, Mysuru for further treatment and he is under treatment as inpatient in the said Hospital.

9. It is to be noted here that the except offence under Section 118[2] rest of the offences are bailable and not punishable with death or life imprisonment. Added to this investigation into the matter is already completed and charge sheet has been filed.

10. It is to be noted here that the present petitioners had moved bail in Crl.Mis.No.5003 of 2026 which came to be rejected by this Court on 19.01.2026 and now, again for the second time, the petitioners have filed petition under Section 482 of Cr.P.C. under change of circumstance which means to say that after filing of charge sheet.

11. Furthermore, counsel for the petitioners has produced document to show that the victim is a physically handicapped prior to registration of the case. Perusal of complaint shows that incident has taken place and the now the injured is out of danger.

12. As investigation into the matter is already completed, presence of petitioners for the purpose of interrogation and investigation is no more required and on this ground, the petitioners are entitled for grant of bail.

13. It is presumed that the "accused are 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".

14. It is settled position of law by the catena of decision of the 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".

15. Here in this case the petitioners claim to be the permanent resident of address shown in the cause title

of the bail petition. It is urged that they are ready and willing to furnish surety to the satisfaction of this Court to ensure their presence before the Court for the purpose of trial. They are ready to abide by any conditions imposed by Court and appear before the Court on all hearing dates for the purpose of trial. As such, possibility of the the petitioners remaining absconding is too remote.

16. The apprehension and interest of the prosecution that the petitioners may tamper with the prosecution witnesses or they may abscond can be taken care and safeguarded by imposing some suitable conditions. Hence, by considering all these aspects, this Court is of the opinion that, the petitioners are entitled for bail. Accordingly, point No.1 is answered in the affirmative.

17. **Point No.2** : In view of the reasons and 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 Nagarika Suraksha Sanhita, is hereby allowed.

The petitioners shall be released on bail in the event of their arrest in Cr.No.256 of 2025 [C.C.No.119 of 2026 on the file of Civil Judge [Jr.Dn.] and JMFC, K.R.Pete], on execution of their personal bond for Rs.1,00,000/- [Rupees one lakh only] each with one surety for the like sum to the satisfaction of the JMFC, subject to the following conditions:

1. The petitioners shall appear before the learned JMFC regularly on all dates of hearing.
2. They shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
3. They shall not indulge into the acts similar to one alleged against themselves.

[Typed to my dictation by the Stenographer Grade-1 directly on Computer, corrected by me and then pronounced in open Court on this the 17th day of April, 2026]

[Jyothsna D]

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