

KAMD700002012026



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

Dated this the 23rd day of April, 2026

PRESENT

Smt. Jyothsna D, LLB, LLM, DFA.

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

Crl.Misc./5112/2026

Petitioner : Shashikumar M @ Gende S/o
Mahesha, Aged about 25 years,
Haijarugudde Darga, 26th Ward,
Ramanagara.

By Sri S P Premkumar, Advocate.

-Vs-

Respondent: The State of Karnataka,
By Srirangapatna Rural Police Station,
Mandya District.

By the learned Public Prosecutor.

ORDER

The present bail petition is filed by the petitioner/accused No.4 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, seeking bail in Cr.No.221 of 2025, for the offences punishable under Section 111, 13, 310[6], 61[1] [a] Bharatiya Nyaya Sanhita.

2. In the bail petition, it is contended the petitioner is innocent and he has not committed the alleged offences and he has been falsely implicated in the case. He hails from respectable family. There is no nexus between the petitioner and the present crime. He is a law abiding citizen. Though the alleged offences are non-bailable in nature are not punishable with death or imprisonment for life. He is 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. He is in judicial custody since 24.11.2025. Inter-alia on all these grounds the petitioner prays to enlarge him 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 before the respondent Police in Cr.No.221 of 2025 and on completion of investigation charge sheet in C.C.No.249 of 2025 came to be filed on the file of Additional Civil Judge [Jr.Dn.] and JMFC, Srirangapatna for the offences punishable under Section 111, 13, 310[6], 61[1] [a] Bharatiya Nyaya Sanhita. The offence under Section 310[6] Bharatiya Nyaya Sanhita is non-bailable in nature and punishable with imprisonment for ten years and also with fine and also

triable by the Court of Sessions. There are prima facie grounds made out against the petitioner. If at this stage he is enlarged on bail, there are chances of he tampering the prosecution witnesses and absconding. The learned Public Prosecutor has relied upon decision reported in 2017[4] Crimes 49. 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 material, the following points arise for determination of this Court;

1. Whether there are grounds to enlarge the petitioner on bail?

2. What order?

6. The findings of this Court to the above 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 came to be registered against the petitioner in Cr.No.221 of 2025 on the basis of

complaint of Nisarga and on completion of investigation charge sheet came to be filed on the file of Additional Civil Judge and JMFC, Srirangapatna in C.C.No.51 of 2026.

8. The sum and substance of the F.I.R. is that, the complainant and her mother were residing near a water canal and next to their house the house of Suvarna Latha is in existence. She lives alone in her house. Their house is situated out of the Village. On 05.11.2025 at about 10.00 p.m. after dinner, the complainant and her mother had slept. In the mid night some persons knocked the door and at that time both the complainant and her mother opened the door and asked as to who had come there. Some unknown persons threatened their life at the point of knife and forced them to give the almirah key. The complainant and her mother told that there is no valuables kept in said almirah and her mother gave her white stone ear ring to the accused. They entered into the house stating that the complainant and mother are lying and they opened the almirah and stole a gold chain weighing 30.3 grams, one set of gold ear ring weighing 3 grams and cash amount of Rs.1,15,000/-. They asked for the Scooter key, but they could not trace the Scooter key. The accused were in their house for nearly 15 minutes and later they went from their house. Subsequently, the complainant switched on the

lights and it was 1.50 in the mid night. The front door of the house was broken by some weapon and they called Suvarna Latha and she told that 3 people had come to her house and broken the door and threatened her life and she gave them an ear ring and they stole 12 grams gold chain, 12 grams gold bangles, coral ear ring weighing 4 grams, a ringer ring weighing 4 grams, a white stone finger ring weighing 3.5 grams and cash of Rs.5,000/-. They took her phone and immediately the complainant called the Police through 112 number and immediately the Police came to the spot. The persons who had come to commit theft were nearly 32-35 of age and they had closed their face with a cap. They wore gloves and jerkin. They were speaking in Kannada language and some of them were speaking in Hindi. Accordingly, a complaint came to be registered against unknown persons.

9. It is relevant to note here that the present petitioner had moved bail before this Court in Crl.Mis.No.5008 of 2026 which came to be rejected on 3rd day of February 2026 and now once again he is joining hands before this Court seeking the relief of regular bail for the second time as he is been in custody since the date of his arrest.

10. Added to this investigation into the matter is already completed and charge sheet came to be filed before the Court of Additional Civil Judge and JMFC, Srirangapatna in C.C.No.51 of 2026. As such, his presence before the Investigating Officer for the purpose of investigation and interrogation is no more required.

11. In addition to this counsel for the petitioner has produced test identification parade requisition [memorandum] [Format] wherein in column No.6 of the said memorandum depicts the fact that the witnesses by name Nisarga D/o Late Shivakumar, Meenakshi W/o Late Shivakumar and Suvarnalatha D/o Late Chowdaiah have identified accused No.1, 3, 5 in all three rounds of the test identification parade. But, they have not identified the present petitioner.

12. It is to be noted here that investigation into the matter is already completed and present petitioner has not been recognized / identified by the witnesses in all three rounds of the test identification parade which are the matters lie in favour of the petitioner.

13. It is to be noted here that the petitioner not being identified by the witnesses is not a conclusive proof to decide that he has not committed the alleged offence.

But, at this stage taking into consideration the point of test identification parade, the petitioner has made out prima facie ground for grant of bail. Whether he has committed the alleged offence or not is a matter of full fledged trial.

14. Further, whether the present petitioner has committed the alleged offences or not is a matter of full fledged trial and as of now, the petitioner is entitled for the relief as claimed by him in the petition. Further, since the petitioner is in judicial custody since the date of his arrest, at this stage if is not granted with the relief claimed by him and detain him in custody, it may lead to pre-trial conviction.

15. 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”.

16. 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”.

17. Furthermore, the petitioner claims bail on the ground that he is a permanent resident of the address mentioned in the cause title to the petition. Apprehension of the prosecution that he is may commit similar type of offences and abscond from the trial of the proceedings can be taken care of by imposition of stringent conditions.

18. Added to this the petitioner is ready and willing to furnish surety to the satisfaction of the Court to ensure his presence before the Trial Court for the purpose of trial. He is ready to abide by any conditions imposed by Court. As such, possibility of the petitioner remaining absconding is too remote. Accordingly, this Court deems fit to allow the petition and answer point No.1 in the affirmative.

19. **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 petitioner/accused No.4 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, is hereby allowed.

The petitioner shall be released on bail in Cr.No.221 of 2025 [C.C.No.51 of 2026

on the file of Additional Civil Judge [Jr.Dn.] and JMFC, Srirangapatna], on execution of his personal bond in a sum of Rs.50,000/- [Rupees fifty thousand only] with one surety for the like sum to the satisfaction of the learned JMFC, subject to the following conditions;

1. The petitioner shall appear before the learned JMFC regularly on all dates of hearing.
2. He shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
3. He shall not indulge into the acts similar to one alleged against himself.
4. The learned Magistrate may call for a report from the concerned Investigating Officer about identity of the sureties and genuinity of the documents produced, however, within five days from the date of production of the order.

[Typed to my dictation by the Stenographer Grade-1 directly on Computer, corrected by me and then pronounced in open Court on this the 23rd day of April, 2026]

[Jyothsna D]

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

