

KAMD700001802026



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

Dated this the 15th day of April, 2026.

PRESENT

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

Crl.Misc./5094/2026

Petitioner : Shankara S/o Late Eshwara,
Aged about 44 years, Residing
at No.227, 1st Cross,
Lakshmikanthanagara, Hebbal,
Mysuru. **Permanent residence :**
Kaveripura Village, Chinakurali
Hobli, Pandavapura Taluk,
Mandya District.

By Sri Gangaraju, 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
petitioner/accused No.1 under Section 483 of Bharatiya

Nagarik Suraksha Sanhita, seeking bail in Cr.No.39 of 2026 of the respondent Police Station for the offences punishable under Section 126[2], 109, 115[2], 118[1], 352, 351[2] r/w Section 3[5] Bharatiya Nyaya Sanhita.

2. In the bail petition, it is contended that the petitioner is innocent and he has not committed the alleged offences and he has been falsely implicated in the case. There is a delay of three days in registering the complaint, which fact shows that he has been falsely implicated in the crime due to old animosity. He is a law abiding citizen. He hails from respectable family. He is an agriculturist by profession. He is the permanent resident of the address mentioned in the cause title to the petition having movable and immovable properties at his disposal. He is the only earning member in his family. He is eking his livelihood by doing quarry work and business. The alleged offences are not punishable with death or life imprisonment. No prima facie case has been made out against the petitioner. 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. 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 in Cr.No.39 of 2026 for the offences punishable under Section 126[2], 109, 115[2], 118[1], 352, 351[2] r/w Section 3[5] Bharatiya Nyaya Sanhita. There are cases pending against the present petitioner before the K.R.Sagara Police Station in Cr.No.24 of 2006, 168 of 2016, 231 of 2016. The offence under Section 109 Bharathiya Nagarika Sanhitha is punishable with imprisonment for life or imprisonment for ten years and with fine. The alleged offence is non-bailable offence. At this stage, there are reasonable grounds to believe that the petitioner has committed the alleged offences. If the petitioner is released on bail he may threaten the prosecution witnesses or he may abscond by violating the bail conditions. The learned Public Prosecutor has relied upon decision reported in [2011] 3 SCC [Crl] 765. Inter-alia on these grounds the learned Public Prosecutor prays for rejecting of the bail petition.

4. Heard, 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 petitioner 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 negative.

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

REASONS

7. **Point No.1:** A case was registered before respondent-police station on 16.03.2026 in Cr.No.39 of 2026 against the petitioner for the offences punishable under Section 126[2], 109, 115[2], 118[1], 352, 351[2] r/w Section 3[5] Bharatiya Nyaya Sanhita, on the basis of complaint lodged by Manjunath.

8. The sum and substance of the FIR is that on 13.03.2026 at about 1.30 p.m. the complainant was returning from his Stone Crushing work in the Stone Quarry belonged to Shivanna of Shindabhoganahalli Village. At that time his nephew Praveena called him over mobile phone and informed that the accused were assaulting him in road going to Katteri Village to Kaveripura Village near Haganahalli Cross. Immediately

the complainant, his wife Sridevi and another nephew by name Arun went to the place of incident in a bike. At that time three accused by name Shankar, Anand and Sanju were assaulting Praveen with their hands and slippers. Accused No.1 Shankar assaulted on his nose and mouth with his fist due to which blood started flowing from Praveen's nose. The complainant asked accused No.1 as to why he is assaulting Praveen. At that time he has stated that he will kill Praveen and who he is to ask for the same and started abusing all of them in filthy words. Accused No.1 contacted accused No.2 and asked him to come to the place of incident. Immediately accused No.2 along with accused No.4 and 5 came to the place of incident in a Maruti Breeza Car. Accused No.2 assaulted on the complainant's left head with the Car Jack Rod, accused No.1 assaulted on his left eye and when the complainant's wife tried to rescue the complainant, accused No.2 assaulted on her left hand, accused Nos.2 and 5 abused Arun and kicked him, accused No.1 instigated other accused saying "kill them". At that time accused No.2 immediately kicked the complainant and threatened him that he will kill him and at that time the complainant fell unconscious. On seeing the same the accused went towards Katteri of Mysuru in two Cars. Praveen and Arun

took the complainant to Pandavapura Government Hospital and for further treatment took him to K.R.Hospital, Mysuru as per advise of the Doctor at Pandavapura Government Hospital. In K.R.Hospital, Mysuru, he was admitted as inpatient. Accordingly, a complaint came to be registered on the basis of statement given by the complainant in the Hospital.

9. The learned Counsel for the petitioner argued that a false complaint came to be foisted against him though he is not the participant of the alleged offences. His mother's health condition is serious and on that basis he had obtained interim bail by this Court dated 02.04.2026. In this case he is no more required for further investigation. Hence, prayed to release him on bail. He has produced document to show that the injured is discharged from the hospital.

10. On the other hand learned Public Prosecutor argued that weapon used for commission of offence is deadly weapon and this petitioner is accused No.1 and the quarrel started by him. Further he called the other accused to the place of offence and instigated them to assault the injured till their death. The photographs produced by the Investigating Officer depicts severity of the injuries. The

accused has mercilessly assaulted the injured and if at this stage he is enlarged on bail there are chances of he committing similar type of offence and chances of he absconding and tampering the witnesses.

11. On perusal of materials on record the Car Jack used for commission of offence is deadly weapon. The injured is discharged from the Hospital. The photographs produced depicts the fact that the complainant's head is opened and in the middle of the head a long suture is found which shows that the injury is grievous in nature. The statement of the injured shows that even his wife and one Arun were also assaulted by the accused. In such circumstances Discharge of the injured is not a ground for grant of bail.

12. It is very important to note here that if the injured would not have been taken to the Hospital immediately and provided with treatment, definitely there were chances of he losing his life. Further, investigation into the matter is not completed. If at this stage the petitioner is enlarged on bail, there are chances of he committing similar type of offences, absconding from the proceedings and tampering the prosecution witnesses.

13. Though learned Counsel for the petitioner relied upon decision reported in 2022 [5] KCCR SN 50 in the case between Thimmappa v/s Thimmegowda and others v/s State of Karnataka in which anticipatory bail is granted as the injured / victim is out of danger.

14. It is relevant to note here that the rulings produced by the petitioner does not come to the aid of the petitioner herein as the facts and circumstances of the case stated in the rulings are entirely different from the facts and circumstances of the case on hand.

15. In the course of this order, certain observations have been made touching merits of the case. Those observations have been made as this court feels that they are necessary for just disposal of the application on merits. Therefore, it is made clear that whatever the observation made in the body of this order shall be strictly confined to this order only and they shall not be read beyond the scope of this order so as to cause prejudice either to the prosecution or to the defence.

16. As such, the petitioner has not made ground for his release on bail and this Court deems fit to reject the petition filed by the petitioner seeking his release on

bail. Accordingly, point No.1 raised by this Court is answered in the negative.

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

ORDER

The bail petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, is hereby rejected.

[Typed to my dictation by the Stenographer Grade-1 directly on Computer, corrected by me and then pronounced in open Court on this the 15th day of April, 2026]

[Jyothsna D]

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