



**IN THE COURT OF THE PRINCIPAL
DISTRICT AND SESSIONS JUDGE AT
MYSURU**

Dated this the 8th day of June, 2026

PRESENT

Smt. Usharani, B.A.(Law), LL.B.,
Principal District & Sessions Judge,
Mysuru.

Crl.Misc./825/2026

- Petitioner/s:** 1. Sharukh,
S/o Eazad Pasha,
Aged about 26 years,
R/at # 148, A Block,
Kurimandi, Kesare,
Mysuru.
2. Sanaula,
S/o Samiulla,
Aged about 26 years,
3. Saifulla,
S/o Samiulla,
Aged about 30 years,
- Petitioner No.2 and 3 are
Residing at # 52, 7th Cross,
Belavatha Grama,
Kesare, Mysuru.

[By Sri Manju S Advocate]

V/s.

Respondent: The Station House Officer,
Narasimharaja Police Station,
Mysuru.

Represented by the
Public Prosecutor,
Mysuru.

ORDERS

The bail petition is filed by the petitioners under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 ['BNSS 2023' for short] seeking anticipatory bail in Crime No.105/2026 of respondent Police Station, registered for the offences punishable under Section 115[2], 118[1], 351[2], 352 R/W 3[5] of Bharatiya Nyaya Sanhita, 2023 ['BNS' for short].

2. The brief facts of the case are that, on 10.5.2026, at about 8 to 9 pm, brother of the husband of the complainant informed her that accused No. 1 to 3 and brother of accused No. 3 and others were assaulting her husband with club and also abusing him in filthy language by threatening to kill him. Hence she rushed to the spot i.e., near MRP Bar, Old Kesare where it was intimated to her that her husband was taken to Prajwal Hospital and hence she rushed to hospital where she has found her husband with bleeding injuries on his hands, head, mouth and was taking treatment as inpatient.

Therefore, she has lodged the complaint, based on which, F.I.R. has been registered in Cr.No.105/2026 by the respondent Police for the offences punishable under Section 115[2], 118[1], 351[2], 352 R/W 3[5] of BNS, 2023.

3. The grounds urged for the bail are that, the false complaint has been lodged against accused persons in order to harass them. Petitioners are law abiding citizens and they have not committed any offence. Offences are not punishable with death or imprisonment for life and triable by Court of Magistrate. The respondent Police are trying to arrest them and hence they are apprehending arrest by the respondent Police. Petitioners undertake to co-operate for investigation and ready to abide by the conditions imposed by the Court. Hence, prayed to grant them bail.

4. On service of notice and after furnishing copies of petition, the learned Public Prosecutor has filed objections stating that, there is prima facie case against

the petitioners and the alleged offences are punishable with imprisonment and fine. The weapon used for commission of an offence and blood stained clothes have been seized. Wound certificate has to be obtained. Collecting further information and recording statements of witnesses are required. If petitioners are enlarged on bail, they may destroy the prosecution evidence and threaten the prosecution witnesses and may also abscond. Hence, prayed to reject the bail petition.

5. Heard the arguments of the learned Advocate for the petitioners and the learned Public Prosecutor for the respondent.

6. The points arise for my consideration are as follows:

1) Whether the bail petition filed by the petitioners under Section 482 of BNSS, 2023 deserves to be allowed?

2) What order?

7. My answers to the above points are as hereunder:

Point No.1: In the **affirmative**.

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

REASONS

8. **POINT NO.1**: At the outset, it is important to note here that, as per complaint, incident said to have been occurred on 10.5.2026 in between 8.30 to 9 pm, but complaint was lodged on the next day at about 7.00 pm and there is inordinate delay in lodging the complaint. No doubt, same can be explained during the course of trial. But at this stage it is one of the grounds to hold that there is no prima facie case against the petitioners.

9. Further though wound certificate is not produced before the Court, in the CD produced by the prosecution, it was stated that bail may be rejected for the grounds that investigation is under progress, statement of witnesses have to be recorded, if petitioners are enlarged on bail, they may once again quarrel with the complainant and may abscond or induce the prosecution witnesses. But, nowhere it is stated that petitioners have criminal antecedents. Further it is not stated in the CD that victim is under treatment. Hence it is clear that

petitioners are no more required for investigation of the case and that victim is out of danger.

10. Further alleged offences are triable by Court of Magistrate and not punishable with death or imprisonment for life. The petitioners are ready to furnish surety and abide by the conditions imposed by the Court. Moreover, the petitioners are the permanent residents of Mysuru city. When that being the fact, I opine that bail can be granted by imposing conditions and thereby apprehension of the learned Public Prosecutor can be safeguarded. Therefore, point No.1 is answered in the **affirmative.**

11. **POINT NO.2:** For the reasons stated above, I proceed to pass the following:

ORDER

This petition filed by the petitioners under Section 482 of BNSS, 2023 is hereby **allowed.**

The respondent police is directed to release the petitioners on bail on their executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with one surety for the like sum to the satisfaction of the respondent police in the event of their arrest in the case in Crime No.105/2026 of the respondent police for the offences punishable under Sections 115[2], 118[1], 351[2], 352 R/W 3[5] of BNS, 2023 subject to the conditions that:

1. The petitioners shall not tamper the prosecution evidence.
2. They shall move for regular bail application before the concerned Court within a month from this order.
3. They shall not commit any offence.
4. They shall co-operate for investigation and appear before the Investigating Officer whenever directed.

[Dictated to the Tab, typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **8th day of June, 2026**].

[USHARANI],
Principal District & Sessions Judge,
Mysuru.