

KAMS010041602026



Crl.Misc./883/2026

**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT MYSURU**

Dated this the 18th day of June 2026

**Present: Smt.Sandhya Rao.P., B.Sc., LL.B.
I Addl. District & Sessions Judge
Mysuru**

Crl.Misc./883/2026

Petitioner: Harish.M. s/o Mahadevaswamy,
Age: 29 years,
r/o # 18/1, 1st Cross,
Vidyanagara,
Mysuru City.

[By Sri.Mohankumara, Advocate]

v/s

Respondent: Nazarbad Police Station,
Mysuru City.

[By learned PP]

ORDER

The petitioner/accused No.1, has filed this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in Cr.No.81/2026 of Nazarbad Police Station, Mysuru registered for the offences punishable under Section 109, 126 (2), 352, 351 (2) r/w Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

2. The criminal law was set into motion on the basis of the FIS given by one Madhusudhan on 06.06.2026, before the Nazarbad Police Station at 4:00 p.m. The informant alleged that on 05.06.2026, in the evening his cousin Umesh came to his house and informed him that about 3 days back when he was riding a bike at Vidyanagar, Harish who came from the opposite side picked up a quarrel with him, by saying that he was intentionally riding the bike in such manner as to cause trouble. The said Harish was earlier running a fast food cart besides the shop of Umesh at Food Street, Lalithmahal. Harish was calling him to the Food Street to talk about the said incident. Umesh therefore requested him to accompany him. He agreed for the same and on the same day at about 11 PM he and his sister's son Sampthkumar had gone along with Umesh in a bike to the food street at Lalith Mahal road and stopped the bike near a fast food

cart. Umesh pointed to a person cleaning beside the cart and stated that the said person was Harish and went ahead to talk to him. After some time hot exchange of words ensued between the two and they started pulling each other by holding collars. At that time, one Madhusudhan who was cleaning the cart along with Harisha joined him and proceeded to assault Umesh. Noticing the same he along with Sampathkumar pacified the quarrel, separated them, asked them to let go of the matter and tried to take Umesh away from the spot in the bike. However, Harish and Madhusudhan, hurled abuses at Umesh, threatened him with dire consequences, picked up iron rods from the fast food carriage cart and followed them. At that time, Harish with the iron rod in his hand suddenly assaulted him on the back side of his head and Madhusudhana pierced the head of Umesha with the sharp iron rod causing bleeding injuries. He requested Harish and Madhusudhan to let them go. When people gathered around, Harish and Madhusudhan, falsely projected before the public that they were being assaulted by him and others. At that time, he and Sampathkumar immediately took Umesha to JSS Hospital in their bike for medical treatment. When they reached the hospital, his sisters son Siddarth, who had come to the hospital, fearing that, if information of assault is given to the hospital the same would delay the treatment stated that

Umesha had sustained injuries in an accident. Thereafter, after, discussion with the family members of Umesha they decided to file the complainant against Harisha and Madhusudhana.

3. The respondent-police upon receipt of the aforesaid FIS registered a case in Cr.No.81/26, against the petitioner/accused and Madhusudhan. During the course of investigation, both the accused were apprehended and produced before the III JMFC Court, Mysuru and thereafter they were remanded to JC. Since from 07.06.2026, the petitioner is in JC.

4. In the back drop of the aforementioned facts, the petitioner/accused No.1, has moved the present petition claiming innocence and alleging his false implication in this case at the instigation of his rivals. He is the permanent resident of Vidyanagara, Mysuru city. He is having old aged parents and is the only care taker of his family. It is further stated that no reasonable grounds have been stated for the delay in filing the complaint and hence the complaint itself was not maintainable under law. Detention of the petitioner will cause great hardship to himself and his family members. The complainant was admitted to JSS Hospital at 11:00 p.m on 5.06.2026 and the alleged incident also had taken place at the same time, which clearly indicates that the incident had not

taken place as alleged. Furthermore, in the medical records of the injured history of incident has been stated as two wheeler skid and fall. The complainant and his friends were triple riding in a rash and negligent manner on the said day by consuming alcohol resulting in an accident. However, the complainant with an intention of harrasing the accused had filed a false complaint. The petitioner is ready to abide by any conditions that may be imposed by this Court for granting bail and ready to offer surety. The offences alleged against him are not punishable with death or imprisonment for life. He undertakes to appear before the Court on all dates of hearing without fail. On the said grounds, the petitioner prayed to enlarge him on bail.

5. Per contra, the learned Public Prosecutor has filed her detailed objections contending that from the investigation so far and the materials collected reveals the involvement of the petitioner/accused No.1, in the commission of grievous offences as alleged against him along with the other accused persons. It is further contended that the Investigation Officer after registration of FIR has conducted the spot panchanama and seized the material objects. The said articles are yet to be sent to the FSL for forensic analysis. The victim is still under medical treatment as an inpatient and as per the opinion of the doctor he is in a serious condition. After regaining

of consciousness, the injured/victim has to be enquired and his wound certificate is to be obtained. Documents pertaining to the place of offence and the statements of eye witnesses and circumstantial witnesses are yet to be recorded. Under such circumstances if at this stage, bail is granted there are chances of the petitioner tampering with the prosecution witnesses; committing similar offences and every likelihood of the petitioner absconding and not appearing before the Court which will cause delay in conducting the trial. The petitioner/accused No.1 has not produced any documents with regard to his identification and address. On the aforesaid grounds, the prosecution prays to reject the bail petition.

6. Heard the counsel for the petitioner and the learned Public Prosecutor. Perused the materials available on record.

7. After the matter was posted for orders, learned PP has filed memo and submitted that, the victim Umesh succumbed to the injuries on 17-06-2026. Pursuant thereto, the Nazarabad P.S. has filed application before the learned III JMFC, to include Section 103(1) BNS and continue investigation. Along with the memo, copy of the requisition has also been enclosed.

8. In the aforesaid background, the following point arises for the consideration of this court:

Whether the petitioner is entitled for grant of bail under Section 483 of BNSS as sought for?

9. This court answer's the above point in the ***negative*** for the following;

REASONS

10. On careful perusal of the materials available on record, it is seen that the present case was registered alleging that the petitioner/accused No.1 had committed the offences punishable under Section 109, 126 (2), 351 (2), 352 r/w Section 3 (5), of Bharatiya Nyaya Sanhita, 2023.

11. The case of the prosecution is that the petitioner/accused No.1 along with accused No.2 in furtherance of their common intention had wrongfully restrained the victim and the complainant, abused them in filthy language, assaulted them with iron rods and caused grievous injuries to the victim.

12. It is relevant to mention here that as per the documents furnished by the learned PP, victim-Umesha succumbed to the injuries sustained by him on 17.06.2026 at 8.17 AM. In this backdrop, it is apparent that the allegations in the FIR pertaining to Section 109 of BNS have to be upgraded to Section 103(1) of BNS.

Hence, the allegations now against accused Nos.1 and 2 is not only attempt to murder but also murder. The said offences alleged against the petitioner is punishable either with death or imprisonment for life. The offences against the petitioner are thus grave and heinous in nature.

13. It is the specific case of the petitioner that as per the FIR, he had allegedly assaulted only the informant and the informant had not sustained any injury due to the said assault. The alleged assault on the victim-Umesha was by accused No.2. The petitioner at any point of time had not assaulted the victim-Umesha and under such circumstances, the injuries caused to the deceased Umesha cannot be attributed to the petitioner.

14. A perusal of FIS clearly indicates that an altercation had taken place between the petitioner herein and the victim-Umesha and in pursuance of the same, the deceased Umesha was called for a talk by the petitioner himself and when the victim had gone to meet the petitioner herein, he was abused by the petitioner herein and accused No.2 and when the complainant tried to take away the victim from the place of offence, both the petitioner and accused No.2, hurled them and threatened the victim of the dire consequences and in furtherance of their common intention appeared to have assault the

complainant and victim. Under such circumstances, it immaterial as to whether the petitioner has assaulted the complainant or the victim and whether no injuries were sustained by the complainant due to assault by the petitioner. Prima facie it is apparent that petitioner along with accused No.2 in cohorts had assaulted the victim and the complainant resulting in greivous injuries being caused to the victim which ultimately resulted in the death of the victim.

15. The counsel for the petitioner further in support of his contention has relied upon the medical continuation sheet and the MLC intimation of JSS Hospital and contended that no assault on the victim had been taken place. However, the documents relied upon by the petitioner i.e., OP Continuation Sheet does not bear the signature of the doctor. Further more, it is only a photocopy. Similarly even the MLC is only a photocopy and it is not clear as to how the petitioner/accused No.1 was able to obtain the said documents. Furthermore, they being photocopies, no reliance can be placed upon them by this Court. On the other hand, the documents produced by the learned Public Prosecutor clearly indicates that the victim had sustained grievous injuries to his head and he was not at all in a position to give

statement and ultimately the victim has succumbed to the injuries sustained by him.

16. Though the petitioner contends that the victim sustained injuries due to fall from bike, the FIS reveals that the brother of the victim fearing delay in treatment, had initially stated before the hospital authorities that the victim had sustained injuries due to accident. The complainant has not suppressed the said facts in the FIS. Such being the case, at this stage the intention of the complainant cannot be doubted. Under such circumstances, the delay in filing the FIS cannot ensue the benefit to the petitioner herein.

17. The investigation is still in its nascent stages and under such circumstances, the apprehension of the prosecution that the petitioner is likely to tamper with the prosecution evidence and threaten the prosecution witnesses are well founded. Furthermore, there is every likelihood of the petitioner absconding and not being available for trial and thereby hamper the prosecution case. Prima facie the petitioner has failed to make out grounds for grant of regular bail. For all these reasons, this court is of the considered view that it is a not fit case to exercise the power conferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and grant bail to the petitioner, Accordingly, the above point is

answered in the '**Negative**' and this Court proceeds to pass the following;

ORDER

Petition filed under Section 483 of
BNSS, 2023 by the petitioner/accused No.1
is hereby rejected.

(Dictated to the Stenographer, transcribed and typed by her,
corrected by me and then signed and pronounced by me the open
Court on this the 18th day of June 2026).

sd/-

(Sandhya Rao.P)
I Addl. Dist. & Sessions Judge,
Mysuru.