

KAMS010016142026



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

**Dated this the 7<sup>th</sup> day of March, 2026**

**PRESENT**

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

**Crl.Misc./352/2026**

**Petitioner:** Naveen @ Naveen Kumar,  
S/o Nanjaiah,  
Aged about 27 years,  
R/at Yarahalli Village,  
H.D.Kote Taluk,  
Mysuru District.

**[By Sri Manju S, Advocate]**

**V/s.**

**Respondent:** The Station House Officer,  
H.D.Kote Police Station,  
Mysuru District.

Represented by the  
Public Prosecutor,  
Mysuru District.

**ORDERS**

The bail petition is filed by the petitioner under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 ['BNSS 2023' for short] seeking anticipatory bail in

Crime No.41/2026 of respondent Police Station, registered for the offences punishable under Section 352, 118[1], 351[3] of Bharatiya Nyaya Sanhita, 2023 ['BNS' for short].

2. The brief facts of the case are that, complainant had given statement to the Police while he was taking treatment at Government hospital H.D.Kote. In the statement it is alleged that Complainant is residing at Yarahalli village, H.D.Kote Taluk and his father has right over an area measuring 24 x 20 ft in the house measuring 64 x 20 ft belonging to his grandfather, but his junior uncle has raised objections stating he has got right over the same. Hence, they have filed case in this regard before the Court. However accused was oftenly used to quarrel with them. On 14.2.2026, accused was found destroying the house and hence, complainant had objected him, but accused had abused him in filthy language and assaulted him with stone on his forehead and caused bleeding injuries to him. At that time, his brother rescued him but he had threatened to kill him.

Hence, on the basis of said statement, F.I.R in Cr.No.41/2026 has been registered by the respondent Police for the offences punishable under Section 352, 118[1], 351[3] of BNS, 2023.

3. The grounds urged for the bail are that, there is no prima facie case against the petitioner and since there is civil dispute between the parties and to take possession of the property, complainant has filed this false case. Petitioner is innocent and law abiding citizen. Complainant with an intention to disrepute him, filed this false case. Alleged offence is not punishable with death or imprisonment for life. The respondent Police are trying to arrest him and petitioner undertakes to co-operate for investigation and not to tamper the prosecution evidence and leave the jurisdiction of the Court. Hence, he has prayed to grant him 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 petitioner. The alleged offence is heinous in nature. The weapon used for commission of an offence has been seized and statement of eye witnesses have been recorded. Hence, if petitioner is enlarged on bail, he may destroy the prosecution evidence or delay the process of law and hence, petitioner is not entitled for bail.

5. Heard the arguments of the learned Advocate for the petitioner 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 petitioner 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, alleged offence is not punishable with death or imprisonment for life and triable by Court of Magistrate and petitioner is the permanent resident of Yarahalli Village, H.D.Kote Taluk, Mysuru District.

9. It is also important to note here that bare reading of complaint shows that there is civil dispute between the parties and matter is pending before the Civil Court, which led the parties to file this complaint.

10. Available materials also show that injured is out of danger and there is no criminal antecedent against him. Petitioner is apprehending arrest by the respondent Police and undertakes he will not tamper the prosecution evidence and that he will co-operate for investigation. Further it is not the case of prosecution that petitioner is required for investigation. When that being the fact, if bail is not granted to petitioner, his family members will be put to hardship.

11. In view of the above, I opine that apprehension of prosecution that if bail granted to petitioner, he may destroy the prosecution evidence or may abscond can be safeguarded by imposing conditions on the petitioner. Therefore, point No.1 is answered in the **affirmative**.

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

### **ORDER**

This petition filed by the petitioner/accused No.1 under Section 482 of BNS, 2023 is hereby **allowed**.

The respondent police is directed to release the petitioner on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with one local surety for the like sum to the satisfaction of the respondent police in the event of his arrest in the case in Crime No.41/2026 of the respondent police for the offences punishable under Sections 352, 118[1], 351[3] of BNS, 2023 subject to the conditions that:

1. The petitioner shall not tamper the prosecution evidence.
2. He shall move for regular bail application before the concerned Court within a month from this order.

3. He shall not commit any offence.
4. He shall co-operate for investigation and appear before the Investigating Officer whenever directed.

[Dictated to tab, typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **7<sup>th</sup> day of March 2026**].

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