

KAMS010016582026



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

Dated this the 7th day of March, 2026

PRESENT

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

Crl.Misc./361/2026

Petitioner: Shivakumar Naik,
S/o Ramadasa Naik,
Aged about 44 years,
R/at No. 328, 11th Cross,
Hightension Park Road,
Brindavana Badavane,
1st Stage, Mysuru.

[By Sri G P Chandrashekar, Advocate]

V/s.

Respondent: S.H.O,
State by V V Puram P.S.,
Mysuru.

ORDER

The bail petition is filed by the petitioner under Section 482 Bharatiya Nagarika Suraksha Samhita, 2023 ['BNSS' for short]. seeking anticipatory bail in C.C. No.172/2026 (arising out of Crime No.30/2025 of respondent Police Station) registered for the offences

punishable under Section 329[4], 115[2], 118[1], 324[4], 352, 351[2], 3[5] of Bharatiya Nyaya Sanhita, 2023 ['BNS' for short] before the VI Addl. Civil Judge & JMFC, Mysuru.

2. The brief facts of the case are that, on 30.6.2025, at about 9.30 pm, accused No.1 to 3 have committed trespass to the house of CW- 1 situated at Flat No.1, Sugama Apartment, II Main Road, V V Mohalla, within the jurisdiction of V V Puram Police Station and accused No.2 has objected CW- 1 talking to her husband and abused her in filthy language. Then accused No.1 to 3 assaulted her with hands. Thereafter accused No.2 has assaulted CW-1 with club on her head and caused bleeding injury to her and accused No.2 and 3 held her tuft and dragged her and also assaulted her. Accused No.2 with an intention to cause loss to CW-1, damaged vehicle bearing registration No.KA-09-MK-0952 and caused loss of Rs.11,302/- by pelting stones to the glasses. Further they have also threatened to take away her life. Hence, complaint was lodged before respondent Police for the offences punishable under Section 324[4],

324[5], 329[4], 115[2], 118[1], 352, 3[5] of BNS, 2023 and after investigation, charge-sheet has been filed for the offence punishable under Section 329[4], 115[2], 118[1], 324[4], 352, 351[2], 3[5] of IPC.

3. The grounds urged for the bail are that, false complaint has been lodged against the petitioner due to matrimonial dispute exists between accused No. 1 and the complainant. Matrimonial dispute is already before the Court and hence, this criminal case is nothing but counter-blast to the said divorce petition. There is no specific overt-act on the part of petitioner. Petitioner is the permanent resident of Mysuru City. He has deep roots in the society. Charge-sheet has already been submitted and hence, this petitioner is no more required for investigation. He is ready to furnish surety and abide by the conditions imposed by the Court. Hence, 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 and the alleged offence is punishable with imprisonment and fine. The weapon used for commission of an offence has been seized and statement of eye witnesses were also recorded. Hence, if petitioner is enlarged on bail, he may destroy the prosecution evidence and may threaten the witnesses and delay the process of law. Facts narrated in the petition are far away from truth. Petitioner is highly influential person and hence prayed to reject the 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, from the bare reading of available materials it appears that complainant is none other than the wife of accused No.1 and there is matrimonial dispute between the two. Further, matrimonial dispute is pending before the Family Court.

9. It is also important to note here that incident said to have been occurred on 30.6.2025 at about 9.30 pm, but complaint was lodged on 1.7.2025 at about 7.00 pm i.e., on the next day of the alleged incident. Further complaint reads as, after the incident complainant went to Radiant Hospital, took treatment, then went to Police Station and lodged the complaint. Hence, it is clear that Complainant is out of danger.

10. At this juncture, it is important to note here that, alleged offences are though non-bailable one, not punishable with death or imprisonment for life. Further

important fact is that petitioner is the permanent resident of Mysuru City. He is ready to furnish surety and abide by the conditions imposed by the Court.

11. It is pertinent to note here that charge-sheet has been filed in this case and hence, petitioner is no more required for investigation and that there is no criminal antecedent against the petitioner. Hence, it is just and proper to grant him bail.

12. In view of the afore-discussed facts, I opine that apprehension of the prosecution can be safeguarded by imposing conditions on the petitioner. Under these circumstances, Point No.1 is answered in the **affirmative**.

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

ORDER

Bail petition filed by the petitioner/accused No.1 under Section 482 BNSS, 2023 is hereby allowed.

The respondent police are directed to release the petitioner on bail in the event of his arrest in CC No.172/2026 on the file of the learned VI Addl. Civil Judge & JMFC, Mysuru [arising out of Crime No.30/2025 of the respondent police] for the offences punishable under Section 329[4], 115[2], 118[1], 324[4], 352, 351[2], 3[5] of BNS, 2023 on executing personal bond for Rs.50,000/- (Rupees Fifty thousand only) with a surety for the like sum to the satisfaction of the respondent police, subject to the conditions that:

1. He shall not tamper the prosecution evidence.
2. He shall move for regular bail application before the concerned Court within a month from the date of this order.
3. He shall not commit any offence during the pendency of the case.
4. He shall regularly appear before the Court for all the hearing dates.

(Dictated to the tab, typed the same by the Stenographer Gr-I on Computer and corrections, pronounced by me in open Court on this the **7th day of March, 2026**).

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