



**IN THE COURT OF THE II ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 7th day of March 2026

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

Crl.Misc.No.364/2026

PETITIONER:

1. Maheshkumar
@G.M.Maheshkumar,
S/o K.P.Mallikarjuna,
Aged about 33 years.
2. Pavankumar,
S/o Venkatasetty,
Aged about 20 years.

Both are R/at Kurrahatti Village,
Kasaba Hobli,
Nanajanagudu Taluk,
Mysuru District.

(By **Sri. Kiran kumar.,** - Adv.)

V/s

RESPONDENT

: State by H.D.Kote Police Station,
Mysuru.

(By **Public Prosecutor**)

:: ORDER ::

This petition is filed by the Petitioners U/Sec.482 of BNSS., seeking Anticipatory bail in Cr.No.9/2026 of H.D.Kote Police Station which has been registered for the offences punishable U/Sections 303(1) and 62 of BNS on the file of Prl. Civil Judge and JMFC, H.D.Kote.

2. The brief facts of the case are as under:-

On 17.01.2026 complainant namely Shambulingegowda has filed complaint stating that on that day at 12.30 pm., in Sy.No.51 in a open space situated beside his house two persons were stealing two sheeps and taking away in bike, by seeing them when himself and others caught those two persons and an enquiry they told their names as Mahesh kuamar and Pavan Kumar. Thereafter they called police and handed over them to police. On the basis of the said complaint police have registered FIR and commenced investigation.

3. Now the Petitioners who are the Accused No.1 and 2 have filed present petition in which they have contended as under:

The Petitioners are the innocent and law abiding citizens and they have not committed the alleged offences. They are having deep root in the society, having both movable and immovable properties, they will not flee away

from justice. The alleged offences are triable by the Magistrate Court, the alleged offence against the petitioners is not punishable with death or life imprisonment. They are permanent residents of above said cause title. That the petitioners undertakes to furnish surety to the satisfaction of this Court and undertakes to appear before the concerned Court as and when directed to do so. Hence, they requested for grant of anticipatory bail.

4. To this petition the learned Public Prosecutor has filed objections stating that, there is prima-facie evidence to show that the Petitioners have committed the offences punishable under Section 303(1) and 62 of BNS and the same is serious and non-bailable in nature and also punishable with imprisonment and fine. The bike used by the accused for committing the offence was found in the possession of the complainant and the said bike has been seized. The fingerprints of the accused have been taken and sent to experts and the report is yet to be obtained. The owner of the motorbike has to be traced and the related documents have to be verified. The accused are required for further investigation in the case and needs to be arrested and interrogated. An investigation has to be conducted to find out whether the accused are involved in any other theft cases. Statements of the witnesses have to be recorded. Thus, the Investigating Officer still needs to

collect more evidence in the case. If the Petitioners are released on Anticipatory bail there is every possibility of tampering the prosecution witnesses, indulging in similar offences and absconding from the jurisdiction of the Court. Therefore, Petitioners are not entitled for Anticipatory bail.

5. Heard. Perused the entire record.

6. On the basis of the above facts, the point that arises for my consideration is :

1. Whether the Petitioner has made out valid grounds to release him on Anticipatory bail ?

2. What order ?

7. My findings to the above points are as under :

Point No.1 : In the ***Affirmative***,

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

REASONS

8. **POINT NO.1:-** During the arguments, the learned counsel for the Petitioners has argued that, there is no prima-facie material to show that the Petitioners have committed the offences alleged against them. The offences alleged are not punishable with death or imprisonment for life. The Petitioners are ready to furnish

sufficient surety and abide by all the conditions that may be imposed by the Court. Hence, it is necessary to release the Petitioners on Anticipatory bail.

9. On the other hand, the learned Public Prosecutor has argued stating that there is prima-facie materials to show that the Petitioners have committed the offences alleged against them. Therefore, if at this juncture if the Petitioners are released on bail there is every possibility of absconding from the jurisdiction of the Court, tampering the prosecution witnesses and interfering in the investigation process. Therefore, Petitioners are not entitled for Anticipatory bail.

10. On perusal of the material on record and submissions made by the counsel for Petitioners and learned Public Prosecutor it appears to me that, as offences alleged against the Petitioners are not punishable with death or imprisonment for life and Petitioners are ready to furnish sufficient surety and abide by the conditions that may be imposed by the Court and as the complaint is filed on 17.01.2026 most part of the investigation might be completed at this time. Therefore, it is proper and necessary to grant Anticipatory bail to Petitioners by imposing certain conditions. Hence, it is decided to allow the Petition. Hence, the Point No.1 is answered in the **Affirmative**.

11. **POINT NO.2:-** In the result, I proceed to pass the following:

O R D E R

The Petition filed U/Sec.482 of BNSS., by the Petitioners is hereby **Allowed.**

In the event of arrest of the Petitioner in Cr.No.9/2026 of H.D.Kote Police Station, the Petitioners are ordered to be released on bail on executing personal bond for Rs.50,000/- each (rupees Fifty Thousand only) and one surety for like sum with the following conditions:

1. The Petitioners shall not tamper the prosecution witnesses directly or indirectly.
- 2.The Petitioners shall co-operate with I.O for investigation.
3. The Petitioners shall not indulge in similar offence in future.
4. The Petitioners shall not leave the jurisdiction of Mysuru District without prior permission of

concerned JMFC., Court till filing of Final report.

5. Petitioners shall mark attendance in H .D Kote police station on every Monday between 10.00 am., to 2.00 pm, till filling of final report.

If any of the conditions is violated, the bail granted to Petitioners shall automatically stands cancelled.

[Dictated to the Stenographer Gr-III directly on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **7th day of March 2026**].

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.