



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

Dated this, the 13th day of March 2026

Present: Sri D.Puttaswamy, B.A, LL.B
I Addl. District & Sessions Judge,
Mysuru.

Crl.Misc./393/2026

Petitioner/s : 1. Mohammed Thousif S/o Ajaz
Ahmed, Aged about 34 years, R/o
206, Jamiya Maszid Road,
Gargeshwari Village, Kasaba Hobli,
T. Narasipura Taluk, Mysuru
District.
2. Imran Pasha S/o Muktar Pasha,
aged about 34 years. R/o # 204,
Middle School Road, Gargeshwari
Village, Kasaba Hobli, T.
Narasipura Taluk, Mysuru District.
(By Sri B.Raju, Adv.)

V/s.

Respondent/s : State by Talakadu Police
Station, Mysuru.

(By learned Public Prosecutor)

:: O R D E R ::

The instant petition is filed on behalf of petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant them pre-arrest bail, in the event of their arrest in Cr.No.25/2026 of Talakadu Police Station, registered for the offences punishable under Sections 3, 5, 6(A) and 7 of Essential Commodities Act, 1955 and U/s. 12, 16, 18 & 19 of Karnataka Essential Commodities (Public Distribution System) Public Control Order, 2016.

2. In the petition it is stated that the petitioners have not committed any offences as alleged by the police. False case has been foisted against them. The offences alleged against them are though non-bailable, but not punishable with death or life imprisonment and they are triable by the Court of Magistrate. The petitioners are having apprehension of arrest by the complainant police, filed this petition seeking anticipatory bail. They undertake to co-operate with the I.O. and not to tamper with the prosecution witnesses. They are ready to abide by all conditions that may be imposed by this Court for grant of bail and ready to offer surety to the satisfaction of the Court and accordingly, prayed to allow the petition.

3. The learned Public Prosecutor has filed objection contending that the bail petition is not maintainable. By narrating the gist of complaint averments, it is contended that there is prima facie case against the petitioners. The offences committed by the petitioners are serious, which are non-bailable and punishable with both imprisonment and fine. The investigation is under progress. The petitioners are absconding from the date of offence. Further contended that if the petitioners are released on bail, they may tamper with the prosecution witnesses and flee from justice. The grounds urged in the petition are far away from truth and accordingly, prayed to dismiss the petition.

4. Heard arguments. Perused the prosecution papers.

5. The points that arise for my consideration and determination are as under :

1. Whether the petitioners have made out sufficient grounds to grant them anticipatory bail as prayed for?
2. What Order?

6. My answer to the above points are as hereunder::

Point No.1: In the Affirmative.

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

: REASONS :

7. **Point No.1:** The instant petition is filed on behalf of petitioners seeking anticipatory bail on the ground that they are innocent and the respondent police are attempting to arrest them in relation to a false case registered against them.

8. On perusal of records, it is seen that, Food Sheristedar, T.Narasipura Taluk Office, T.Narasipura has filed complaint stating that on 19.02.2026 in the morning at about 11.00 a.m. while he was on duty, Talakadu police have called him over phone informing that they have received credible information that from Maranapura Village to Hemmige in a Goods Auto ration rice is transported, immediately he went near Hemmige bus stop and joined Talakadu police and went near Hosa Hemmige Marigudi Circle, at that time one Goods Auto came there and the PSI of Talakadu Police Station instructed him to stop the Auto

and when the Auto was stopped, one person who was sitting with the Driver of the Auto was caught hold, the Driver of the Auto got down from the Auto and ran away from there. On verification of said goods Auto, its registration No.KA 54 4302 Mahindra Maximo Plus Goods Auto and it was loaded with 8 Nos. of rice bags and on opening one of the said bag, he found ration, which is meant for public distribution. He made enquiry with the person, he informed his name as Imran Pasha S/o Muktar Pasha resident of Gargeshwari Village and another person, who ran away from there was Mohammed Thousif S/o Ajiz Ahmed, resident of Gargeshwari Village and further informed that said Mohammed Thousif brought him to take ration rice from Maranapura to Kirugavalu in an Auto. Said Imran Pasha failed to furnish any bill or licence to have the said ration rice, he was transporting ration rice illegally to sell the same in black market for higher price. Hence, he verified the Goods auto on verification he found 3 quintals 50 kgs of Rice in 8 bags worth Rs.11,900/-. Since rice appear like ration meant for public distribution, he secured panch witnesses and seized the above said bags along with above said vehicle under mahazar and came to Talakadu Police Station filed complaint seeking necessary action against the owner of the said

Goods Auto. Based on the said complaint, a case is registered in Cr.No.25/2026 of Talakadu Police Station against the petitioners for the offences punishable under Sections 3, 5, 6(A) and 7 of Essential Commodities Act, 1955 and U/s.12, 16, 18 & 19 of Karnataka Essential Commodities (Public Distribution System) Public Control Order, 2016.

9. The Learned Counsel for petitioners vehemently argued that the petitioners have not committed any offences as alleged. They are innocent and law abiding citizen. They are the only earning members of their families. The police are attempting to arrest them. The petitioners are ready to abide by any conditions that would be laid down by the Court and ready to offer sureties. Therefore, prayed to grant anticipatory bail in favour of the petitioners.

10. As rightly submitted by the learned Public Prosecutor, at this stage there is nothing on record to say that the petitioners have been falsely implicated in the above case. However, whether the petitioners have committed the offences as alleged in the police papers is to be determined at the time of trial. At this stage, all that is

required to be considered is the availability of the petitioners before the I.O. and the Court.

11. Granting the relief of anticipatory bail is a discretion vested with the Court and for the purpose of exercising such judicious discretion the Court has to scrutinize the facts and circumstances of each case before coming to the conclusion whether such discretion shall be exercised or not. The Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre Vs.State of Maharashtra reported in (2011)1 SCC 694***, has observed as under:

"While considering the anticipatory bail petitions, the Court has to bear in mind certain parameters mainly the nature and gravity of accusation and exact role of the accused must be properly comprehended before the arrest is made by the police. The antecedents of the applicants including the fact as to whether the accused previously undergone any imprisonment or he is a regular offender and the accused likelihood of repeating the similar offences and whether he is available for the Court for further proceedings regularly."

12. It is also observed by the Hon'ble Apex Court that arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The Court must carefully examine the entire materials available on record and particularly the allegations which have been directly attributed to the accused and those allegations are corroborated by other material and circumstances on record.

13. In this case, at this stage, nothing is produced to show that the petitioners are having any criminal antecedents. The material on record shows that the Rice bags along with vehicle are already seized by the Respondent police and the matter is being investigated. There is nothing to say that the custodial interrogation of the petitioners is required. The apprehension of the prosecution that the petitioners may indulge in similar kind of offences can be curtailed by imposing stringent conditions. Moreover, the alleged offences even if proved are not punishable with death or imprisonment for life and they are triable by the Magistrate Court. The petitioners have undertaken to abide by any conditions that would be laid down by the Court and

have also undertaken to offer surety. It is not in dispute that the petitioners are the permanent residents of Gargeswari Village, T.Narasipura Taluk, Mysuru District. Considering these aspects, I am of the opinion that if the petition is allowed by imposing necessary stringent conditions, it will meet the apprehension of the prosecution. Consequently, I answer point No.1 for consideration in the **Affirmative.**

14. **Point No.2:** In view of my answer on point No.1 and for the foregoing reasons, I proceed to pass the following:

ORDER

The petition, filed U/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the petitioners is allowed.

The petitioners by name Mohammed Thousif S/o Ajaz Ahmed and Imran Pasha S/o Muktar Pasha are ordered to be released on bail in the event of their arrest by the Respondent police in connection with Cr.No.25/2026 of Talakadu Police Station, after necessary interrogation on executing a personal bond in a

sum of Rs.1,00,000/- each before the jurisdictional Investigating Officer with two sureties for the like sum subject to following conditions:

- 1) The petitioners shall surrender before the police within 15 days from the date of this order.
- 2) They shall furnish the bail bond and sureties as per this order before the jurisdictional Magistrate and furnish address proof documents of themselves and sureties.
- 3) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case, so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- 4) They shall co-operate with the Investigating Officer and shall attend the Police Station once in a week on every Monday between

10.00 a.m. to 12.00 noon till filing of final report.

- 5) They shall furnish proof of their residential addresses and also furnish documents if any called by the IO.
- 6) They shall appear before the Court on all dates of hearing without fail.
- 7) They shall not commit similar offences.

Violation of any of the above conditions, would entail cancellation of bail.

(Dictated to the Stenographer in open court, transcribed by her on Computer, revised, corrected and then pronounced by me on this day, the 13th day of March 2026)

(D.Puttaswamy)
I Addl. District & Sessions Judge,
Mysuru.