

KAMS010019492026



**IN THE COURT OF THE IV ADDL. DISTRICT & SESSIONS**

**JUDGE: MYSURU.**

**PRESENT**

**Sri P.J.Somashekar, B.A.,LL.M.,  
IV ADDL.DISTRICT AND SESSIONS JUDGE;  
MYSURU.**

**Dated this the 23<sup>rd</sup> day of March 2026**

**Crl.Misc./414/2026**

**Petitioners:**

1.Kumara S/o Ramachandraiah,  
Aged about 60 years,

2.Mahadevi W/o Kumara,  
Aged about 55 years,

3.Arun kumar.D.K S/o Kumara,  
Aged about 25 years,

All are R/at D.K.Koppalu village,  
K.R.Nagara taluk, Hebbalu Hobli,  
Mysuru District.

**[By Sri A.Thimmappa-Adv.,]**

**V/s**

**Respondent/s**

State of Karnataka,  
Through K.R.Nagara police station,

K.R.Nagara Taluk, Mysuru District.

**[Rep. By Public Prosecutor]**

**ORDERS ON BAIL PETITION FILED U/SEC.482 OF  
BHARATHIYA NAGARIKA SURAKSHA SANITHA ACT,  
2023**

This is a petition U/Sec.482 of Bharathiya Nagarika Suraksha Sanitha, 2023 filed by the petitioners and sought for release them on bail in the event of their arrest by the respondent police in their police station Crime No.48/2026 for the offences punishable U/Sec.352, 74, 115(2) R/w 3(5) of BNS, 2023.

**2. Nutshell of the petition are as under:**

The learned counsel for the petitioners in the petition has alleged that the respondent police have registered the case against the Petitioners in their police station Crime No. 48/2026 for the offences punishable U/Sec.352, 74, 115(2) R/w 3(5) of BNS, 2023. Based on the false complaint which filed by one Smt. Kamamma W/o Late Andanaiah, aged about 72 years, Resident of D.K.Koppalu village, K.R.Nagara

taluk, Mysuru district, stating that she is residing in the above said address along with her children by doing house work for their livelihood. On 02.02.2026 at 9.00 p.m. one Kumar who is the resident of Koppalu village while proceeding in front of his house taking the soil in front of her house and her grand son Balukumaranna has informed the same and he has pacified for the incident for lifting of soil in front of her house by the said Kumar on 03.02.2026 at 7.00 a.m. when she was proceeding near Siddappaji temple Kumar was came and she has questioned the Kumar about lifting of soil in front of her house in connection of the same abused in filthy words and she has questioned him about uttering of filthy words for which dragged her by holding her hair and teared her blouse and though Nanjunda has intervened assaulted him on his face and pushed the Balu thereby took her to government hospital for treatment. Thereby case was came to be registered against the petitioners and the petitioners were apprehending in the hands of the respondent police and filed the instant petition for the following :

**::GROUNDS ::**

1. The Petitioners are innocent and law-abiding citizens and hail from respectable family having a deep root in the society and they have not at all committed the offences which alleged against them.
2. The petitioners are permanent residents of the address as mentioned in the petition having aged parents and family members who are depending on their income.
3. The petitioners are falsely implicated only with the intention to harass the petitioners and offences which alleged against the petitioners are not punishable either life nor death and there is no criminal antecedents against the petitioners.
4. The petitioners under takes to available for investigation or interrogation made by the respondent and undertakes that they will not tamper nor hamper the prosecution witnesses.

5. The petitioners are the permanent residents of the address as mentioned in the cause title having deep root in the society.

6. The petitioners are ready to abide by the conditions which may be imposed by this court and ready to furnish the surety to the satisfaction of the court and prays for allow the petition.

3. In response to the notice, the learned P.P appeared and filed her objections stating that, the bail petition which filed is not maintainable either in law or facts, and the Investigating Officer after registering the case visited the spot and drawn panchnama in presence of panchas and seized the material objects which are used for commission of the offences and the petitioners were absconding from the date of incident and the offences which alleged against the petitioners are non bailable in nature and the petitioners are the powerful persons having a political influence and the I.O. yet to record the statement of the witnesses and to collect the materials if the petitioners were released on bail there is a chances of tampering or

hampering the prosecution witnesses and there is a chances of absconding from the jurisdiction of the court and prays to reject the bail petition.

4. Heard the arguments on both side.

5. The points that arise for Court consideration are as under:

1. Whether the petitioners are entitled bail at this stage as sought for?

2. What Order?

6. My answer to the aforesaid points are as under:

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

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

**::REASONS::**

7. **Point No.1** : Before embarking on point No.1 it is just and necessary to narrate the gist of the case for the proper appreciation of the point No.1, as the complainant namely one one Smt. Kamalamma W/o Late Andanaiah,

aged about 72 years, Resident of D.K.Koppalu village, K.R.Nagara taluk, Mysuru district, stating that she is residing in the above said address along with her children by doing house work for their livelihood. On 02.02.2026 at 9.00 p.m. one Kumar who is the resident of Koppalu village while proceeding in front of his house taking the soil in front of her house and her grand son Balukumaranna has informed the same and he has pacified for the incident for lifting of soil in front of her house by the said Kumar on 03.02.2026 at 7.00 a.m. when she was proceeding near Siddappaji temple Kumar was came and she has questioned the Kumar about lifting of soil in front of her house in connection of the same abused in filthy words and she has questioned him about uttering of filthy words for which dragged her by holding her hair and teared her blouse and though Nanjunda has intervened assaulted him on his face and pushed the Balu thereby took her to government hospital for treatment. Thereby case was came to be registered against the petitioners and the petitioners were apprehending in the hands of the respondent police and filed the instant petition.

8. The learned Counsel for the Petitioners in his arguments has submitted that the complainant has filed the false case against the Petitioners only with an intention to harass the petitioners and the petitioners are law-abiding citizens and they have not at all committed the offences which alleged against them, but a false case has been filed against the Petitioners. Though the offences which alleged against the petitioners are non-bailable in nature, but the same are not punishable either life nor death and the petitioners are ready to abide by the conditions which may be imposed by this Court and ready to furnish the surety to the satisfaction of the court and prays for allow the petition.

9. Per Contra, the learned Public Prosecutor in her arguments has submitted that the Petitioners were committed the offences against woman, on this ground alone the petition is not maintainable and the offences which alleged against the Petitioners are non-bailable in nature, if the Petitioners were released on bail, there is a chances of tamper or hamper the prosecution witnesses and there is a chances of absconding from the jurisdiction of the Court and prays for

reject the bail petition.

10. It is an admitted fact, the case was came to be registered against the Petitioners based on the complaint filed by the Complainant namely one Smt. Kamalamma W/o Late Andanaiah, according to her the petitioners were took up the quarrel in connection of lifting of soil infront of her house and assaulted in their hands and dragged her by holding her as a result her blouse was teared and assaulted in their hands. But at this stage, the Court cannot conduct the mini trial to know whether the petitioners were committed the offences or not as it requires full fledged trial. But at this stage, Court has consider only prima facie materials which placed by the prosecution to know whether the materials placed on record prima facie are reflects to believe the reasonable grounds to know the guilt of the petitioners, but at this stage the materials which placed on record by the prosecution are not reflecting to believe the reasonable ground about guilt of the petitioners.

11. It is an admitted fact the Respondent Police have

registered case against the Petitioners for the offences punishable U/Sec.352, 74, 115(2) R/w 3(5) of BNS, 2023. and out of the said offences the offence U/Sec. 74 of BNS is only the non-bailable offence, rest of the offences which alleged against the petitioners are bailable in nature, though offence under section U/Sec. 74 of BNS is non-bailable in nature and the same is less than 7 years imprisonment triable by this court. Thus this Court drawn its attention on the Judgment of the **Hon'ble Supreme Court of India reported in 2021 SCC online SC 922 in between Satender Kumar Antil V/s Central Bureau Of Investigation and another.** In the said Judgment their lordship held if bail application are pertaining to cases where the punishment is provided upto 7 years of imprisonment the same may be disposed off without taking accused into custody and their Lordship categorized the offences as mentioned below:-

- a) Offences punishable with imprisonment of 7 years or less not falling in category B & D.**

**(b) Category offences punishable death imprisonment for life or imprisonment for more than 7 years.**

**(c) Offences punishable under Special Acts containing stringent provisions for bail like NDPS, PMLA, UAPA , Companies Act, , etc. Economic offences not covered by Special Acts.**

12. In the instant case also the offences which alleged against the Petitioners are less than 7 years, therefore, above Judgment is applicable to the case on hand.

13. The learned Public Prosecutor while canvassing her arguments has much argued that, the petitioners were committed the offences against the woman, thereby the Petitioners are not entitled the relief as sought for. Thus, this Court drawn its attention on the Judgment of the ***Hon'ble High Court of Karnataka passed in Crl.P.No.2743/2025*** in between ***Narayana Reddy and Others V/S State by Pavagada police*** in the said

judgment initially the petitioners were filed the petition under Sec.438 of Cr.P.C and sought for Anticipatory bail for the offences punishable under Sec.115(2), 117(2), 54, 133, 324(4), 351(2), 352, 109 R/w Sec.190 of BNS., and said petition was came to be rejected by the jurisdictional Sessions Court feeling aggrieved by the said order approached the Hon'ble High Court and in the said judgment his Lordship held that none of the accused persons have any criminal antecedents, admittedly the prosecution has not placed any materials on record to show that the petitioners having any criminal antecedents and moreover, the offences which alleged against the petitioners are less then 7 years imprisonment. Thus, considering the apprehension of the prosecution and the materials on record it is just and necessary to allow the petition by imposing stringent conditions it will meet the ends of justice. Hence, I am of the opinion that the **Point No.1** is answered in the **Affirmative**.

14. **Point No.2:** In view of my answer to the Point No.1 as stated above, I proceed to pass the following;

**::O R D E R::**

Bail petition filed under Sec.482 of BNSS by the petitioners is hereby ***Allowed***.

The petitioners are ordered to be released in the event of their arrest by the Respondent Police, if not required in relation to any other offence, in Cr.No.48/2026 for the offences punishable U/Sec.352, 74, 115(2) R/w 3(5) of BNS, 2023 on their executing personal bond of Rs.50,000/- each with one surety for like-sum on the following:

**::CONDITIONS::**

1. The petitioners shall not directly or indirectly make any inducement, threat, promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing the facts to Court or any police officer.

2. The petitioners shall not abscond from the ordinary residence and should furnish the address proof to the concerned police.
3. The petitioners shall appear before the I.O. within 10 days from the date of this order.
4. The petitioners shall mark their attendance before the I.O in between 10.00 a.m., to 6.00 p.m., once in a week till filing of charge sheet or till further orders which ever is earlier.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

(Dictated to the Stenographer Grade-III, transcribed by him, corrected and then pronounced by me in the Open Court, on this the **23<sup>rd</sup> day of March 2026**)

**(P.J. Somashekar)**  
IV Addl. District & Sessions Judge,  
Mysuru.