



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

Dated this the 28th day of March, 2026

:: PRESENT ::

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

Crl.Misc./429/2026

PETITIONER :

Mohsin Khan,
S/o Fairon Khan,
Aged about 38 years,
R/at #3916, 3rd Cross,
Annamma Kere,
Gandhinagara,
Mysuru - 570007

(By : Sri. S.K.M., – Adv.,)

V/s

RESPONDENT:

State by N.R Police Station,
Mysuru District.
R/by Public Prosecutor, Mysuru.

(By : Public Prosecutor)

:: ORDER ::

This petition is filed by the Petitioner U/Sec.438 of Cr.P.C. seeking Anticipatory bail in Cr.No.62/2026 of N.R. Police Station on the file of III Addl. Civil Judge and JMFC.,

Mysuru which has been registered for the offences punishable under Sections 303(2) of B.N.S.

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

On 25.02.20226 complainant namely Syed Burhan has filed complaint stating that on 24.02.2026 at 10.00 pm., he tied his jercy Cow in front of his house, next day in the morning at 3.00 am., when he saw the Cow it was not there. Hence he filed complaint. On the basis of the said complaint police have registered FIR and commenced investigation.

3. Now the Petitioner has filed present petition in which he contended as under :

There is no prima-facie material for the alleged offences. On the other hand the Petitioner has not at all committed any such offence as alleged by the Complainant. Petitioner is innocent and law abiding citizen and he is falsely and inimically implicated with an intention to give unnecessary trouble, harassment and threat to him and false allegations made against the Petitioner with an intention to spoil his reputations, among his relatives and also in the society. Petitioner is coming from very respectable family and he has having deep root in the society and he is permanent resident of above mentioned cause title address. The petitioner is doing coolie work for his livelihood and also he is having aged parents, all of

them are depending the income of the petitioner. Hence, if the bail is not granted to the petitioner, he will be put greater hardship and lot of inconveniences will be caused to him. That alleged offence against petitioner is not punishable with life imprisonment or death penalty, hence the petitioner is entitled for bail. Petitioner undertakes to co-operate with the investigation conducted by the respondent police and he further under takes not to threat or tamper with the prosecution witnesses in any manner. And further undertakes to appear before the Court on all the dates of hearing without fail and he further undertakes to offer surety to the satisfaction of the Court and undertakes to abide the conditions that may be imposed by this Court. Hence, it is necessary to grant Anticipatory bail to Petitioner.

4. To this petition the learned Public Prosecutor has filed objections stating that, there is prima-facie evidence to show that the Petitioner has committed the offences punishable under Sections 303(2) of BNS same is punishable with imprisonment and fine and same is serious offences and in case if Petitioner is released on bail there is every possibility of Petitioner tampering the prosecution evidence, absconding from the jurisdiction of the Court. Therefore, Petitioner is 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 Petitioner has argued stating that, there is no prima-facie evidence against the Petitioner. Even the offences alleged against the Petitioner is not punishable with death or imprisonment for life. The Petitioner is ready to furnish sufficient surety and abide by the conditions that may be imposed by the Court. Therefore, it is very much necessary to grant Anticipatory bail to the Petitioner.

9. On the other hand, the learned Public Prosecutor has argued stating that, there is prima-facie

evidence to show that the Petitioner has committed the offence alleged against him and the offences alleged against the Petitioner is punishable with imprisonment and fine and same is serious offence. If Petitioner is released on bail there is every possibility of Petitioner tampering the prosecution evidence, absconding from the jurisdiction of the Court. Therefore, Petitioner is not entitled for Anticipatory bail.

10. On perusal of the materials on record and submissions of the learned Counsel for the Petitioner and the learned Public Prosecutor, it appears to me that, as rightly pointed out by the Petitioner's counsel the offence alleged against the Petitioner is not punishable with death or imprisonment for life, Petitioner is ready to furnish sufficient surety and undertakes to abide by all the conditions that may be imposed by this Court and as already around one month time has been completed from the date of the registering the FIR most part of the investigation might be completed at this juncture. therefore, it is proper and necessary to release the Petitioner on Anticipatory bail by imposing conditions. **Hence, the Point No.1 is answered in the Affirmative.**

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

ORDER

The Petition filed U/Sec.438 of Cr.P.C. by the Petitioners is hereby **Allowed**.

In the event of arrest of the Petitioner in Cr.No.62/2026 of N.R. Police Station on the file of III Addl. Civil Judge and JMFC., Mysuru the Petitioner is ordered to be released on bail on executing personal bond for Rs.50,000/- (rupees Fifty Thousand only) and one surety for like sum with the following conditions:

1. The Petitioner shall not tamper the prosecution witnesses directly or indirectly.
2. The Petitioner shall appear before the Trial Court on all the dates of hearing without fail.
4. The Petitioner shall cooperate with IO for investigation.
5. The Petitioner shall not leave the jurisdiction of Mysuru District without prior permission of concerned JMFC., Court till completion of trial.
5. The Petitioner shall not indulge in similar offence in future.

If any of the conditions is violated, the bail granted to Petitioner 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 **28th day of March 2026**].

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.