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

Dated this the 1st day of April, 2026

PRESENT

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

Crl.Misc./432/2026

Petitioner: H M Devaraju,
S/o Late Marigowda,
Aged about 52 years,
Hittanahalli Koppalu Village,
Kirugavalu Hobli,
Malavalli Taluk,
Mandya District.

[By Sri Basavanna S, Advocate]

V/s.

Respondent: State by T.Narasipura Police,
Represented by Public Prosecutor,
Mysuru.

ORDERS

The bail petition is filed by the petitioner under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 ['BNSS 2023' for short] seeking regular bail in Crime No.7/2026 of respondent Police Station, registered for the offences punishable under Section 126[2], 352, 351[2],

351[3], 118[1], 109[1], 54 R/W Section 3[5] of Bharatiya Nyaya Sanhita, 2023 ['BNS' for short].

2. The brief facts of the case are that, on 9.1.2026, when complainant was returning near Vontimane Koppalu by walk after finishing his agricultural work at Mikkare Village, Kirugavalu Hobli, at about 5.00 p.m. all of a sudden, accused No.1 and 2 and other two persons went from his behind on a motor cycle, wrongfully restrained him, abused him saying they will not spare him. Then accused No.1 and 2 instigated others to caught hold of him and one of the persons among them, held him tightly, another one threw chilly powder on his eyes, but the same fell aside. When he tried to escape, accused No.1 and 2 surrounded him and they all assaulted him with steel rod brought in their bike. When he held his hand to protect himself, blow fell on his hand and he has suffered injury. Accused No.1 and 2 and others have also threatened to take away his life and they have also assaulted on his left leg and caused bleeding injuries to him. On seeing some other persons coming on a motor

cycle, accused left the place, threatening to take away his life. Accused persons by keeping enmity of sending them to jail in the matter of they made an attempt to kill the brother of complainant, planned to take away the life of complainant. Hence, complaint was lodged, based on which, F.I.R. has been registered against the accused persons in Crime No.7/2026 for the aforesaid offences.

3. The grounds urged for the bail are that, petitioner is innocent and law abiding citizen. The complainant Police have foisted false case against him. The petitioner is the only bread earning member in the family and he has the responsibility to look after his children and aged parents. He is from respectable family and he has no criminal antecedents and he has got deep roots in the society. The alleged offences are not punishable with death or imprisonment for life. He undertakes not to tamper the prosecution witnesses and abide by the conditions imposed by the Court. Hence, he has 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. The alleged offence is punishable with upto 10 years and with fine. Investigation of the case is not completed. Accused No.2 is absconding and accused No. 6 is in custody in Cr.No.93/2025 and that child in conflict with law is also in judicial custody. The identification parade has to be conducted after injured fully recovered. He has suffered grievous fractures and life long he has to depend upon others. If accused/petitioner is enlarged on bail, he may abscond or tamper the prosecution witnesses. Further may destroy the evidence. The facts stated in the petition are all false and hence, petitioner is not entitled for 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 483 of Bharatiya Nagarik Suraksha Sanhita, 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**: Learned Advocate for the petitioner has argued that accused No.1 has no part in the alleged offence. Since brothers of accused No.2 and victim have quarreled, with an enmity, false case has been fixed against this accused. Incident has occurred on 9.1.2026 but complaint has been lodged 10.1.2026, that too after going to Police Station. These facts show no prima facie case against the petitioner and hence, he is entitled for bail.

9. The learned Public Prosecutor has strongly objected for granting bail on the ground that since there is land dispute and enmity between the parties false complaint has been lodged.

10. At the outset, it is important to note here that, injured has suffered following grievous injuries and discharge summary reflects the same.

“H/O assault open fracture of both bone left lower limb displaced”.

However, discharge summary also discloses that injured was admitted to hospital on 10.1.2026, but was discharged on 31.1.2026. Hence, it is clear that he is out of danger. Further important fact is that, major portion of the investigation has been completed i.e., spot mahazar and seizure mahazar have been conducted by the Investigating Officer.

11. Petitioner is in judicial custody since 14.1.2026. Therefore, unless there is prima facie case against him continuing him in judicial custody for long period will be

nothing but pretrial conviction. Petitioner has no criminal antecedents and he is ready to furnish surety and abide by the conditions imposed by the Court.

12. According to prosecution, since investigation of the case is not completed, petitioner is not entitled for bail. Further the accused No.2, who is absconding in this case has to be traced and wound certificate has to be secured and victim since suffered grievous injuries, life long he has to depend upon others and further recording of statement of further witnesses in this case is required. But no where it is stated that petitioner has criminal antecedents and that he is required for interrogation.

13. In view of the above, I opine that apprehension of prosecution that if bail granted to petitioner, he may destroy the prosecution evidence or may abscond can be safeguarded by imposing conditions on the petitioner. Therefore, point No.1 is answered in the **affirmative**.

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

ORDER

This petition filed by the petitioner/accused No.1 under Section 483 of BNSS, 2023 is hereby ***allowed***.

The petitioner is ordered to be released on bail in Crime No.7/2026 of Respondent Police Station, for the offences punishable under Sections 126(2), 352, 351(2), 351(3), 118(1), 109(1), 54 R/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023, on his executing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with a surety for the likesum to the satisfaction of the Jurisdictional Magistrate, subject to the following conditions:

1. The petitioner shall not threaten or tamper with the prosecution witnesses in any manner.
2. He shall make himself available before the Investigating Officer whenever directed and shall co-operate for investigation.
3. He shall not commit similar or any other offences.

Office is directed to send this Order to the Jail Authority through E-mail.

[Dictated to tab, typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **1st day of April 2026**].

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