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Crl.Misc./439/2026

IN THE COURT OF THE IV ADDL. DISTRICT & SESSIONS

JUDGE: MYSURU.

PRESENT

Sri P.J.Somashekar, B.A.,LL.M.,

Dated this the 1st day of April 2026

Crl.Misc./439/2026

Petitioners:

1. Sri T M Nataraju
S/o Late T.M.Mahadevappa,
Aged about 66 years,
2. Sri N.Sunil Kumar,
S/o T.M.Nataraju,
Aged about 39 years,

Both are Residing at
Lingayithara Beedi,
Thayuru Thayur,
Biligere Hobli,
Nanjangud Taluk,
Mysuru District 571 124

**[By Sri K.S.Mahadeva Prasad -
Adv.,]**

V/s

Respondent/s

State of Karnataka,
Through Biligere,

police station, Mysuru.

[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.33/2026 for the offences punishable U/Sec.352, 126(2), 118(1), 115(2), 76, 54 and 351(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. 33/2026 for the offences punishable U/Sec.352, 126(2), 118(1), 115(2), 76, 54 and 351(2) R/w 3(5) of BNS, 2023. Based on the false complaint which filed by one Smt.Mangalamma W/o Nanjundaswamy, 50 years, residing at Tayuru Village, Nanjangud Taluk, Mysuru District stating that

she is residing in the above said address along with family members, including her husband in all four children to his parents having a landed properties in the Village, all are doing agricultural work and the land of Siddappa is situated after their land and they were proceeding in their land to reach their land, about 5 days back Sundramma and Nata were put the fire to the gross and it was spreading upto their gross in connection of the same on 20.02.2026 at 3.30 p.m., Sundramma and her son Nataraju came to her land, questioned them about putting the fire to the gross for which though informed they put the fire to the gross in their land and advised Nataraju. On 21.02.2026 at 10.30 a.m., her husband and son were called, questioned them near the house Sundramma and her family members abused them in filthy language and threatened them and assaulted by means of stick and kicked in their legs and dragged her by holding her hair and saree with an intention to outrage her modesty. So, 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 law-abiding citizens, but falsely implicated only with an intention to harass the Petitioners and Accused No.1 and 2 are close relatives belonging to the same family with the complainant.
2. The Petitioners have not committed any offence as alleged, inspite of the same because of misunderstanding relating to burning of dry grass in the agricultural land a false complaint has been filed.
3. The Accused No.1 in the present case already lodged the complaint against the complainant and her family members which came to be registered in Cr.No. 32/2026, in order to over come the said case a false case has been filed against the Petitioners.

4. The Petitioners hail from a respectable family having movable and immovable properties and having a harvesting season, their presence is very much necessary to harvest the crop, otherwise they will be put to irreparable loss and injustice.

5. The Petitioners are the only earning members of their family, they have to look after their aged parents, and other family members, if the Petitioners are retained in the custody, not only the Petitioners but also their family members will be put to greater hardship.

6. The Petitioners are the permanent residents of the address as mentioned in the cause title and ready to ready to abide by the conditions which may be imposed by this 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 complainant in the complaint has clearly stated that

the Petitioners were took up the quarrel in connection of setting of fire to their gross and burnt banana plants and took up the quarrel and abused in filthy words and dragged her with an intention to outrage her modesty and assaulted her husband by means of club and kicked in their legs 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 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 Smt.Mangalamma W/o Nanjundaswamy, 50 years, residing at Tayuru Village, Nanjangud Taluk, Mysuru District stating that she is residing in the above said address along with family members, including her husband in all four children to his parents having a landed properties in the Village, all are doing agricultural work and the land of Siddappa is situated after their land and they were proceeding in their land to reach their land, about 5 days back Sundramma and Nata were put the fire to the gross and it was spreading upto their gross in connection of the same on 20.02.2026 at 3.30 p.m., Sundramma and her son Nataraju came to her land, questioned them about putting

the fire to the gross for which though informed they put the fire to the gross in their land and advised Nataraju. On 21.02.2026 at 10.30 a.m., her husband and son were called, questioned them near the house Sundramma and her family members abused them in filthy language and threatened them and assaulted by means of stick and kicked in their legs and dragged her by holding her hair and saree with an intention to outrage her modesty. So, 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. Mangalamma W/o Nanjundaswamy, according to her the petitioners were took up the quarrel in connection of setting of fire to their gross which spreading to their gross and banana plants and assaulted by means of club and kicked in their legs and

dragged with an intention to outrage her modesty. 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, 126(2), 118(1), 115(2), 76, 54 and 351(2) R/w 3(5) of BNS, 2023 and out of the said offences the offence U/Sec. 76 and 118(1) of BNS are only the non-bailable offence, rest of the offences which alleged against the petitioners are bailable in nature, though offences under section U/Sec.76 and 118(1) of BNS are non-bailable in nature and the same are 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 than 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 BNS 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.33/2026 for the offences punishable U/Sec.352, 126(2), 118(1), 115(2), 76, 54 and 351(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 directly on computer, corrected and then pronounced by me in the Open Court, on this the **1st day of April 2026**]

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