

KAMS010021322026



**IN THE COURT OF THE IV ADDL. DISTRICT & SESSIONS
JUDGE: MYSURU.**

Dated this the 23rd day of March 2026

PRESENT

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

Crl.Misc./440/2026

Petitioners:

1. Sri Raju.M
S/o Late Mahadevaiah,
Aged about 46 years,

2. Sri Basavaraju
S/o Late Mahadevaiah,
Aged about 55 years,
Residing at
No.155, Hullahalli Hobli,
Nanjangud Taluk,
Mysuru District.

3. Sri Kumaraswamy K.B
S/o Basavaraju,
Aged about 28 years,
Residing at
Hullahalli Hobli,
Nanjangud Taluk,
Mysuru District.

4. Sri Punitha.R
S/o Raju.M
Aged about 28 years,

All are
Residing at
Hullahalli Hobli,
Nanjangud Taluk,
Mysuru District.

[By Sri **Ramakrishna-Adv.,**]

V/s

Respondent/s

State of Karnataka,
Through Hullahalli
Police Station,
Nanjangud Taluk.
Mysuru District.

[Rep. By Public Prosecutor]

ORDERS ON BAIL PETITION FILED
U/Sec.483 OF BHARATHIYA NAGARIKA SURAKSHA
SANITHA ACT, 2023

This is a petition U/Sec.483 of Bharathiya Nagarika Suraksha Sanitha, 2023 filed by the petitioners and sought for release them on bail in Crime No.151/2025 for the offences punishable U/Sec.189(2), 191(2), 115(2), 329(4), 352, 74, 76, 79, 351(2) R/w.Sec. 190 of BNS, 2023.

2. Nutshell of the petition are as under:

The learned counsel for the petitioners in the petition have alleged that the respondent police have registered the

case against the petitioners in their police station Crime No.151/2025 for the offence punishable 189(2), 191(2), 115(2), 329(4), 352, 74, 76, 79, 351(2) R/w.Sec. 190 of BNS, 2023 based on the false complaint which filed by one Smt.Shivamma W/o Shivaraju resident of Kadaburu village, Hullahalli Hobli, Nanjangud Taluk, stating that on 24.08.2025 at about 2.30 p.m., one Somashekar assaulted her husband Shivaraju as a result her husband sustained the injuries and got admitted to Nanjangud Government Hospital, when her husband and children were not in the house one Raju S/o Late Mahadevaiah, Suresh S/o Late Mahadevaiah, Basavaraju S/o Late Mahadevaiah, Kumarswamy S/o Basavaraju, Punith S/o Raju were trespassed to her house, Raju and Suresh dragged her by holding her saree with an intention to outrage her modesty, Kumaraswamy, Basavaraj were assaulted in their hands and kicked in their legs all over the body and teared her blouse by abusing in filthy words, her neighborer Sannathayamma and Puttamaraiah were intervened after hearing her sound and they were also assaulted them, at about 1.00 a.m., on the very night again all the said persons

were came and knocked the door and threatened to take away the life of her husband and children and case was came to be registered against the petitioners and others and the petitioners (accused No.1 and 3 to 5) voluntarily appeared before the court and they have been remanded to judicial custody and filed the bail application before the court below their bail application came to be rejected on 13.03.2026. Thus the petitioners have come up with instant petition for the following:-

::GROUNDS::

1. The petitioners and others in Cr.No. 151/2025 have moved the bail Application for granting of Anticipatory Bail in Crl.Misc.No.1332/2025 before this Court which came to be allowed.
2. The petitioners and others came to be released on bail by virtue of the orders passed by this Court in Crl.Misc.No.1332/2025 and they are the innocents as per the conditions which imposed by this Court approached the Investigating Officer within 10 days and complied the orders.

3. The petitioners and others were released on bail after getting the bail the Respondent Police have moved cancellation of the bail in Crl.Misc.No.1731/2025 before this Court and the said petition was came to be allowed and the Anticipatory Bail order which granted by this Court came to be cancelled.
4. The Respondent Police have submitted the false report before this Court, though the petitioners and others were already appeared in Cr.No. 151/2025 and obtained the Regular bail from the hands Prl.Senior Civil Judge and JMFC., at Nanjangud. The petition filed in Crl.Misc.No.1731/2025 became infractous.
5. As per the orders of this Court NBW was came to be issued against the Accused and the petitioners voluntarily appeared before the Court and remanded to judicial custody. So, the petitioners are in the judicial custody from 12.03.2026, thereafter, the petitioners have moved the Regular bail Application which came to be rejected.
6. The petitioners and others were complied the orders passed by this Court and they have moved the regular bail Application on

19.09.2025 and got released on bail and executed the bond which is evident from the order sheet of the court below.

7. The petitioners is the innocent and law-abiding citizen have not committed the offences as alleged in the complaint but falsely implicated with an intention to ulterior motive.
8. The petitioners and others who are the Accused are the children of Mahadevaiah and Nagamma and Nagamma filed the suit against the Shivaraju i.e., complainant Shivamma's husband and others which numbered as O.S.No.220/2025 which is pending for adjudication for that reason the said Shivaraju instigated his wife to file a false complaint against the accused persons.
9. The petitioners have been voluntarily appeared before the court below and they have been remanded to judicial custody and the petitioners are having dependents.
10. The petitioners are the agriculturist by profession and permanent resident of the address as mentioned in the cause title and the police have already investigated the matter and yet to file the charge sheet and

the injured persons are already discharged from the hospital and there are 3 more criminal complaints between the complainant family and accused family.

11. The petitioners are ready to furnish the surety for the satisfaction of this court and under takes to appear before the court on all the dates of hearing and they will not tamper nor hamper the prosecution witnesses 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, as the complainant in the complaint has clearly stated that on 24.08.2025 at about 2.30 p.m., her husband Shivaraju has been attacked by Somashekar and her husband is under treatment at Nanjangudu government hospital as he has serious injured and when her husband and children were not at home the petitioners and others suddenly entered the house and heard the sound of kicking the door as soon as opened the door Raju and Suresh suddenly entered and grabbed her saree pulled it and hugged her then

Kumaraswamy, Basavaraju grabbed her waist and pulled it and kicked her with their foot and her blouse has been teared with an intention to outrage her modesty and abused in filthy words and insulted her with bad words, Sannathayamma and Puttamaraiah were intervned after earring the noise and they were also attacked them and abused in filthy words and at 1.00 a.m., the came again and knocked the door and shouted loudly saying that they will taken away the life of her husband and children and they were afraid of their lives in the hands of the petitioners and others. Therefore, the petitioners is not entitled bail at this stage and the investigating officer is already registered the case against the petitioners and visited the spot and drawn the panchanama and yet to record the statement of the complainant and to recover the materials and to record the statement of the witnesses under Section 183 of BNSS and If the petitioners are released on bail there is a chances of tamper or hamper the prosecution witnesses 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 is entitled the relief as sought for at this stage?
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 case was come to be registered at the instance of complainant namely one Smt.Shivamma W/o Shivaraju resident of Kadaburu village, Hullahalli Hobli, Nanjangud Taluk, stating that on 24.08.2025 at about 2.30 p.m., one Somashekar assaulted her husband Shivaraju as a result her husband sustained the injuries and got admitted to Nanjangud Government Hospital, when her husband and children were not in the house one Raju S/o Late Mahadevaiah, Suresh S/o Late Mahadevaiah, Basavaraju S/o Late Mahadevaiah, Kumarswamy S/o Basavaraju, Punith

S/o Raju were trespassed to her house, Raju and Suresh dragged her by holding her saree with an intention to outrage her modesty, Kumaraswamy, Basavaraj were assaulted in their hands and kicked in their legs all over the body and teared her blouse by abusing in filthy words, her neighborer Sannathayamma and Puttamaraiah were intervened after hearing her sound and they were also assaulted them, at about 1.00 a.m., on the very night again all the said persons were came and knocked the door and threatened to take away the life of her husband and children. thereby complaint has been lodged and case was came to be registered against the petitioners and the petitioners though released on bail which came to be cancelled and voluntarily appeared before the court below and they have been remanded to judicial custody though filed the regular bail application before the court below came to be rejected. Thus the petitioners have come up with instant petition.

8. The learned Counsel for the petitioners in his arguments has submitted that the petitioners have not at all committed any offence as alleged who hails from respectable

family and having a dependents who are all depending on their income 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. Though the alleged offence against the petitioners are non-bailable in nature but the same are not punishable either life nor death though the petitioners and others were moved the anticipatory bail application before this court which came to be allowed and got released on bail by obtaining regular bail. But the complainant suppressed the said facts and filed the petition before this court for cancellation of the anticipatory bail order which came to be allowed and the petitioners have voluntarily appeared before the court on 12.03.2026 and they have been remanded to judicial custody, though regular bail application has been filed before the court below which came to be rejected since 12.03.2026 the petitioners are in judicial custody and prays for allow the petition.

9. Per Contra, the learned Public Prosecutor in her arguments has submitted that the petitioners are not entitled for bail as sought for since the petitioners have 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 are released on bail, there is chances of tamper or hamper the prosecution witnesses and there is chances of absconding from the jurisdiction of the Court though the petitioners and others were filed the anticipatory bail application which came to be allowed by this court by imposing conditions but the petitioners and others were violated the said order again attacked on the complainant and the family members that is the reason why cancellation of the bail order granted in favour of the petitioners came to be allowed. That is the reason why the petitioners were voluntarily appeared before the court and they have been remanded to judicial custody. If the petitioners are released on bail they will repeat the same thing and there is no end at all in committing the crime and they will take very lightly 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.Shivamma W/o Shivaraju, according to her the petitioners were trespassed into her house and dragged her by holding her saree and blouse with an intention to outrage her modesty and kicked in their legs and assaulted in their hands by abusing in filthy words and threatened to take away their lives. But at this stage court cannot conduct mini trial to know whether the petitioners have committed the offence or not as it requires full fledged trial at this stage court has to consider only prima facie materials to believe the reasonable grounds about the guilt of the petitioners. But, the prosecution has not placed any materials to believe the reasonable grounds about the guilt of the petitioners.

11. It is an admitted fact, the Respondent police have registered the case against the petitioners and others for the offences punishable U/Sec.189(2), 191(2), 115(2), 329(4), 352, 74, 76, 79, 351(2) R/w.Sec. 190 of BNS, 2023. It is an admitted fact, Sec.74 and 76 of BNS 2023 are non-bailable in nature and rest of the offences are bailable in nature, though Sec.74 and 76 of BNS are non bailable, but which are less

than 7 years imprisonment. 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.

14. It is an admitted fact though this court granted anticipatory bail order by imposing conditions, though the learned Counsel for the petitioners while canvassing his arguments as much argued though this court granted anticipatory bail order after getting the regular bail the anticipatory bail order itself infractious. Admittedly, this court while passing the orders under Section 482 of BNSs imposed 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.

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

The above conditions are very much clear if the petitioners and others violated any of the conditions the IO is at liberty to move for cancellation of the bail. Admittedly, after obtaining the bail order have approached the court below and sought for regular bail and the said bail application was came to be allowed by the court below on 19.09.2025 and directing the office to take the bond as per the terms and conditions in the aforesaid anticipatory bail order. So for the proper appreciation of the arguments which advanced by the learned Counsel for the petitioners is necessary for reproduction which reads like this.

Hence, the bail application is allowed.

Office to take bond as per the terms and conditions in the aforesaid

**anticipatory bail order passed in
Crl.Misc.1332/2025.**

The above order is clear that the conditions which imposed by this court in criminal Misc.No.1332/2025 has been continued even after granting of regular bail. Therefore, the arguments which advanced by the learned Counsel for the petitioners on this aspect holds no water.

15. It is an admitted fact when ever the courts are either granting anticipatory bail order or regular bail order imposed the conditions the persons who obtained the bail order shall obey the conditions. If not obeyed the IO having every right to proceed with the case in accordance with law. In the instance case also the IO in pursuance of the orders passed by this court the petitioners voluntarily appeared before the court they have been remanded to judicial custody. Therefore one has to realize the mistake which committed earlier but because of repeated mistake this court canceled the bail order. However, considering the materials and submission of learned Counsel for the petitioners 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*.

16. 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.483 of BNSS, 2023 by the petitioners is hereby ***Allowed***.

The petitioners are ordered to be released on bail in Cr.No.151/2025 for the offences punishable U/Sec.189(2), 191(2), 115(2), 329(4), 352, 74, 76, 79, 351(2) R/w.Sec. 190 of BNS, 2023 on their executing personal bond of Rs.1,00,000/- each with two sureties for like-sum, one of the surety shall be the government servant 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 him from disclosing the facts to Court or any police officer.

2. The petitioners shall mark their attendance before the I.O every day in between 10.00 a.m., to 6.00 p.m., till filing of the charge sheet or till further orders which ever is earlier.
3. The petitioners shall not involve any of the criminal cases after this if reported by the jurisdiction police this order stands cancelled.

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

(Dictated to the Typist directly on computer, corrected and then pronounced by me in the Open Court, on this the **23rd day of March, 2026**]

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