

KAMS010021392026



IN THE COURT OF THE IV ADDL. DISTRICT & SESSIONS

JUDGE: MYSURU.

PRESENT

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

Dated this the 27th day of March 2026

Crl.Misc./445/2026

Petitioner/s: Sri.Kumara S/o Ramegowda,
Aged about 45 years,
Residing at
Nallurupala village and post,
Hunsuru Taluk,
Mysuru District.

[By Sri Lokesha -Adv.,]

V/s

Respondent/s State of Karnataka,
Through Hunsuru Rural
Police Station,
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 petitioner and sought for release him on bail in the event of his arrest by the respondent police in their police station Crime No.103/2026 for the offences punishable U/Sec.352, 74, 115(2), 118(1) of BNS, 2023.

2. Nutshell of the petition are as under:

The learned counsel for the petitioner in the petition has alleged that the respondent police have registered the false case against the Petitioner in their police station Crime No. 103/2026 for the offences punishable U/Sec. 352, 74, 115(2), 118(1) of BNS, 2023. Based on the false complaint which filed by one Smt.Basamani W/o Late Nagaraju, Aged about 50 years, Resident of Nalluru Pala village, Hunsuru taluk, Mysuru district stating that she is residing in the above said address , on 28.02.2026 at 4.30 p.m., when she was standing infront of her house Kumar S/o Late Ramegowda came in drunken status and took up the quarrel on the ground they used to tied the cattle on the road which causes passers of the road and abused in filthy words and assaulted in his hands and dragged her by holding her saree with an intention to outrage her modesty and kicked her in his leg on her chest

and assaulted by means of stone on her chest, back portion and nearby neck, thereby she was shouting, on hearing the shouting Dilip S/o Shekaregowda, Ravi S/o Ramanna and Srikath were intervened and rescued her from his clutches and took her to Hunsur Government Hospital and took the treatment. So, based on the said complaint case was came to be registered by the respondent police in their police station crime No.103/2026 for the offences punishable U/Sec. 352, 74, 115(2), 118(1) of BNS, 2023. and the Petitioner is apprehending in the hands of the Respondent Police and filed instant petition for the following :

:::GROUNDS :::

1. The Petitioner is innocent and law-abiding citizen and he has not at all committed the offences which alleged against him.
2. The petitioner is hails from respectable family but false case has been filed against the Petitioner only with the intention to harass the petitioner.
3. The petitioner is not at all committed the offences as alleged in the complaint and the offences which alleged though non-bailable but same are not punishable either with life or death.
4. The petitioner is the permanent resident of the address as mentioned in the cause title and 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 on facts, and the Investigating Officer is already registered the case against the petitioner and visited the spot and drawn the panchanama in the presence of the panchas and seized the material objects which are used for the commission of the offence and yet to record the statement of the witnesses, if the petitioner is released on bail there is chances of tamper and hamper the prosecution witnesses and there is a chances of absconding from the jurisdiction of the court and prays for 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 petitioner is 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 as the complainant namely one Smt.Basamani W/o Late Nagaraju, Aged about 50 years, Resident of Nalluru Pala village, Hunsuru taluk, Mysuru district stating that she is residing in the above said address , on 28.02.2026 at 4.30 p.m., when she was standing in front of her house Kumar S/o Late Ramegowda came in drunken status and took up the quarrel on the ground they used to tied the cattle on the road which causes passers of the road and abused in filthy words and assaulted in his hands and dragged her by holding her saree with an intention to outrage her modesty and kicked her in his leg

on her chest and assaulted by means of stone on her chest, back portion and nearby neck, thereby she was shouting, on hearing the shouting Dilip S/o Shekaregowda, Ravi S/o Ramanna and Srikath were intervened and rescued her from his clutches and took her to Hunsur Government Hospital and took the treatment. So, based on the said complaint case was came to be registered by the respondent police in their police station crime No.103/2026 for the offences punishable U/Sec. 352, 74, 115(2), 118(1) of BNS, 2023. and the Petitioner is apprehending in the hands of the Respondent Police and filed instant petition.

8. The learned Counsel for the Petitioner in his arguments has submitted that the Petitioner is innocent, law-abiding citizen and hails from respectable family, but falsely implicated only with an intention to harass the petitioner. The petitioner is 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 offences alleged against the petitioner are non-bailable in nature but

the same are not punishable either life nor death and prays for allow the petition.

9. Per Contra, the learned Public Prosecutor in her arguments has submitted that the bail petition which filed is not maintainable either in law or on facts and if the petitioner is 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 and the offences which alleged against the petitioner are triable by this court and prays for reject the bail petition.

10. It is an admitted fact, case was came to be registered against the petitioner based on the complaint which filed by one Basamani W/o Late Nagaraju, according to her the Petitioner has took up the quarrel on the ground they tied the cattle on the road which causes passers of the road and abused in filthy words and assaulted by means of stone and dragged her by holding her saree with an intention to outrage her modesty. But, at this stage court cannot conduct the mini trial to know whether the petitioner is committed the offences which alleged against him or not

as it requires full fledged trial. At this stage court has to consider only prima facia materials to believe the reasonable ground about the guilt of the petitioners. But at this stage prosecution has not placed any materials to show that there are sufficient materials to believe the reasonable ground about the guilt of the petitioner.

11. It is an admitted fact, the Respondent Police have registered case against the Petitioner for the offences punishable U/Sec. 352, 74, 115(2), 118(1) of BNS, 2023. Admittedly, the offences U/Sec.74 and 118 of BNS 2023 are non-bailable in nature, rest of the offences are bailable in nature. Though the offence U/Sec. 74 and 118(1) of BNS 2023 are non-bailable in nature, but the same are not punishable either life nor death which are imprisonment for less than 7 years. 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 petitioner has committed the offences against the woman, thereby the Petitioner is 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 petitioner having any criminal antecedents and moreover, the offences which alleged against the petitioner is 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 petitioner is hereby ***Allowed***.

The petitioner is ordered to be released in the event of his arrest by the Respondent Police, if not required in relation to any other offence, in Cr.No.103/2026 for the offences punishable U/Sec. 352, 74, 115(2), 118(1) of BNS, 2023. on their executing personal bond of Rs.50,000/- each with two sureties for like-sum on the following:

:CONDITIONS:

1. The petitioner 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 petitioner shall not abscond from the ordinary residence and should furnish the address proof to the concerned police.
3. The petitioner shall appear before the I.O. within 10 days from the date of this order.

4. The petitioner 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 **27th day of March 2026**]

(P.J. Somashekar)

IV Addl. District & Sessions Judge,
Mysuru.