

KAMS010021702026



Crl.Misc./447/2026

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

DATED THIS THE 16th DAY OF APRIL 2026

PRESENT

**SRI. P.J.SOMASHEKAR, B.A.,L.L.M.,
IV ADDL. DISTRICT & SESSIONS JUDGE:
MYSURU.**

Crl.Misc./447/2026

Petitioners:

1. Sri Karun Shivadas
S/o Shivadas
Aged about 33 years,
Residing at
Shivasadanam House,
Punithura Post,
Thamaseri Road,
Ernakulam Rural,
Kerala State.
2. Sri Vishnu B @ Kudil
S/o Babu
Aged about 31 years,
Residing at
Kudilunkal Veli,
Mayithara,
Kunjikuzhi, Alappazha,
Kerala - 688539
3. Sri Aneesh
@ Marad Aneesh
S/o Anthony,
Aged about 41 years,
Residing at

Anakatil House,
Ayini Temple Road,
Maradu Village and Post,
Kanayanur Taluk,
Ernakulam Rural,
Kerala State.

4. Sri Mohammed Jaseel M
S/o Saidalvi,
Aged about 28 years
Muthukurushi House,
Thottekad Post,
Amarambalam, Malappuram,
Kerala State.
(By Sri Joseph.J- Adv.,)

Versus

Respondent : The State by
Nanjangud Rural Police Station,
Mysuru District.

(By **Learned Public Prosecutor**)

ORDER ON BAIL PETITION FILED U/SEC.438 OF
Cr.P.C.

This is a bail petition U/Sec. 438 of Cr.P.C. filed by the petitioners and sought for release them on Bail in the event of their arrest in Crime No.58/2023 (C C No.88/2025) of Yelawala Police Station for the offences punishable U/Sec. 394, 395 of IPC.

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 Cr.No.58/2023 for the offences punishable U/Sec. 394, 395 of IPC, based on the false complaint which filed by one Bharath D H S/o Hanumanthappa, 27 years, residing at No.125, Ajaneya Temple Road, Nimbegondi, Bhadravathi Taluk, Shivamogga, Karnataka stating that on 13.03.2023 at about 2.00 a.m., himself, Car driver Mahadeva and his employee Doreswamy were proceeding in a car bearing registration KA-04-MX-7422 from Bangalore to Kerala State by carrying money worth Rs.2,73,00,000/-, when they were reached near Nanjangud Kabini River bridge curve at that time two Cars blocked their Car from front and back and 7 to 8 persons were getting from the car by holding rod and machete in their hands and damaged the left door glass of their Car and trying to kidnap him, when he was shouted loudly one among them assaulted him with iron rod on his head, those persons assaulted Car Driver Mahadeva and Doreswamy also,

thereafter they took away mobile phones of Mahadeva and Doreswamy and Car along with the money. Thereafter, they went to Nanjangud Police Station and then Police sent him to Government Hospital for treatment, after treatment discussed with his partner and filed complaint. So, based on the said complaint case was came to be registered against the petitioners and they were apprehending in the hands of the Respondent Police and filed the instant petition on the following grounds:-

::GROUNDS::

1. The petitioners are the innocent and they have not at all committed the offences which alleged against them but falsely implicated only with an intention to harass the petitioners.
2. The Petitioners hails from respectable family and they have not at all committed the offences which alleged against the Petitioners.
3. The Petitioners are only the bread earning persons in their family, if they are not released on bail not only the Petitioners but

also their family members will be put to irreparable loss and injustice.

4. The Petitioners are the permanent residents of the address as mentioned in the cause title having a aged parents, wife and children, but falsely implicated based on the false complaint.
5. The investigation officer is already completed the investigation and filed the chargesheet before the jurisdictional court and the petitioners are no more required either for investigation nor for interrogation.
6. The petitioners have no criminal antecedents and they are hails from respectable family and implicated by some interested persons and the entire incidents is a matter to be decided during the trial.
7. The Petitioners are ready to abide by the conditions which may be imposed by this and ready to furnish 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 complainant in the complaint has clearly stated himself, car driver Mahadev and Doreswamy were proceeding towards Kerala from Bangalore by carrying Rs.2,73,00,000/- when they were reached near Kabini water Bridge on Mysutu-Nanjangudu main road near Basavanapura cross 2 cars blocked their car on front and back side and 7-8 persons were getting down from the car and damaged the left side of the car and assaulted them and taken away the car and cash of Rs.2,73,00,000/- and the petitioners are not entitled the bail. The Investigating Officer is already registered the case against the petitioners 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 offence and recorded the statement of witnesses and the petitioners were committed the robbery. If the petitioners are released on bail there is chances of tamper or hamper the prosecution witnesses, there is

chances of absconding from the jurisdiction of the Court and the offences which alleged against the Petitioners are non-bailable in nature and the petitioners were entitled the bail only on the ground charge-sheet has been filed against them 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 petitioners are entitled to 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, the complainant namely one Bharath D H S/o Hanumanthappa, 27 years, residing at No.125, Ajaneya Temple Road, Nimbegondi,

Bhadravathi Taluk, Shivamogga, Karnataka stating that on 13.03.2023 at about 2.00 a.m., himself, Car driver Mahadeva and his employee Doreswamy were proceeding in a car bearing registration KA-04-MX-7422 from Bangalore to Kerala State by carrying money worth Rs.2,73,00,000/-, when they were reached near Nanjangud Kabini River bridge curve at that time two Cars blocked their Car from front and back and 7 to 8 persons were getting from the car by holding rod and machete in their hands and damaged the left door glass of their Car and trying to kidnap him, when he was shouted loudly one among them assaulted him with iron rod on his head, those persons assaulted Car Driver Mahadeva and Doreswamy also, thereafter they took away mobile phones of Mahadeva and Doreswamy and Car along with the money. Thereafter, they went to Nanjangud Police Station and then Police sent him to Government Hospital for treatment, after treatment discussed with his partner and filed complaint. So, based on the said complaint case was came to be registered against the petitioners and they 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 Petitioners are law-abiding citizens, hails from respectable family and they have not at all committed the offences which alleged against them, but falsely implicated only with an intention to harass the Petitioners and the Petitioners are ready to abide by the conditions which may be imposed by this Court and ready to furnished surety to the satisfaction of the Court and prays for allow the bail petition.

9. Per contra, the learned Public Prosecutor in her arguments has submitted that the offences which alleged against the Petitioners are non-bailable in nature, if 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 and the offences which alleged against the Petitioners are non-bailable in nature and if the averments of the complaint are taken into consideration the Petitioners are not entitled the bail at this stage and prays for reject the bail petition.

10. It is an admitted fact, the case was came to be filed against the Petitioners based on the complaint which filed by one Bharath D H S/o Hanumanthappa, according to him when himself driver and employee Doreswamy were proceeding in a car from Bangalore to Kerala along with cash of Rs.2,73,00,000/- and when they were ereached near Basavanapura cross Kabini river bridge on Mysuru Nanjangudu main road 2 cars blocked their car on front and back side and 7-8 persons were getting down from the car by holding deadly weapons and damaged the car window though he was shouted one of them were assaulted by means of iron rod and taken away the car and cash. But at this stage, Court cannot conduct mini trial to know whether the Petitioners are committed the offences or not, as it requires full fledged trial. At this stage Court has to consider only the prima-facie materials to believe the reasonable grounds about the guilt of the Petitioners, but at this stage the prosecution has not placed prima-facie 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 for the offences punishable U/Sec. 394 and 395 of IPC. Admittedly, the offence U/Sec.394 and 395 of IPC are non-bailable in nature,. Though the offences U/Sec.394 and 395 of IPC are non-bailable in nature, but the same are not punishable either life nor death which are imprisonment for less than 10 years and the Investigating Officer is already conducted the investigation and filed the charge-sheet and the petitioners are no more required either for investigation or interrogation.

12. It is an admitted fact, if the charge-sheet which filed the learned Counsel for the petitioners is taken into consideration it is clear that the senior Civil Judge and JMFC., at Nanjangudi is already taken the cognizance for the offences punishable under Section 394 and 395 of IPC and ordered for issue NBW to the accused No.1 to 13 and summons to accused No.14 to 16 and the charge-sheet reveals the Investigating Officer arrested some of other accused and produce before the court and they have been released on bail. Now the petitioners were come with instant petition on the ground of apprehension.

13. It is an admitted fact, Section 395 of IPC is very much clear who ever commits Dacoity shall be punish with imprisonment for a term which may extent to 10 years. So the prosecution has to established following ingredients:

1. Accused committed robbery.

2. While committing robbery or Dacoity

3. The accused used grievous hurt to any person.

4. Offender refers to only culprit who actually used deadly weapon.

But at this stage court cannot presumed that the petitioners have committed Dacoity. As it requires full fledged trial.

14. It is an admitted fact the offence which alleged against the petitioners are non-bailable in nature punishment for less than 10 years which is not either life nor death and the investigation is already completed and the petitioners yet to appear and faced the trial. Therefore, it is just and necessary to release the accused on bail by imposing

conditions it will meet the ends of justice. Hence, I am of the opinion that the **Point No.1** is answered in the ***Affirmative***.

15. **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.438 of Cr.P.C. by the petitioners is hereby ***Allowed***.

The petitioners are ordered to be released on bail in the event of their arrest by the Respondent Police, if not required in relation to any other offence, in Cr.No.58/2023 (C.C.No.88/2025) for the offences punishable U/Sec. 394 and 395 of IPC on their executing personal bond of Rs.1,00,000/- each with 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 petitioner shall approach the Investigating officer within 10 days from the date of this order.
3. If the petitioners are involves in any crime subsequent to this case and reported to this court by the jurisdictional police the bail order passed by this court 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 **16th day of April, 2026**)

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