

KAMS010024122026



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

Dated this the 7th day of April, 2026

PRESENT

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

Crl. Misc./486/2026

Petitioners:

1. Sri Siddegowda, S/o. Late Gowdaiah, aged about 76 years,
 2. Sri Nagegowda, S/o. Siddegowda, aged about 47 years,
 3. Sri Kumara, S/o. Siddegowda, aged about 45 years,
 4. Sri Venkatesha, S/o. Late Siddegowda, aged about 56 years,
 5. Sri Ravi, S/o. Late Siddegowda, aged about 56 years,
- All are residents of Chikkanahalli Village, Yelwala Hobli, Mysuru Taluk and

District.

(By Sri C. Appaji Gowda, Advocate)

Vs.

Respondent:

State by Station House
Officer, Yelwala Police
Station.

**(Rep. by the learned Public Prosecutor,
Mysuru)**

ORDER

The bail petition has been filed by the petitioners/accused No.1 to 5 seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for short) in CC No.3076/2025 (Arising out of Crime No.219/2025) of respondent Police Station, registered for the offences punishable under Sections 118(1), 126(2), 351(2), 352 R/w. Section 3(5) of Bharatiya Nyaya Sanhita, 2023 ('BNS' for short).

2. The brief facts of the case are that, on 31.7.2025 at about 7.50 a.m. when complainant the resident of Maidanahalli Village, Ilwala Hobli, was taking the

photographs at his land bearing Sy. No.99/2 measuring 8 acres on being learnt that accused persons by committing trespass were doing plantation, accused persons voluntarily assaulted with club and stone on his neck, stomach and also on the eyes, head and ears of Prakash. When they made an attempt to escape, accused No.2 and 3 wrongfully restrained them and accused No.4 and 5 closed the road and they have assaulted them with stone and clubs. They have also abused them in filthy language questioning about the complaint lodged by him on 28.07.2025 against them at Mysuru Rural Police Station for committing trespass to his land. When they fell unconscious, Prasanna S/o. Narendrababu, Bharathkumar S/o. Basavaraju rescued them and admitted to hospital. Hence complaint was lodged, based on which, FIR has been registered against the accused persons in Crime No.219/2025 for the aforesaid offences.

3. The grounds urged by the petitioners for grant of bail are as follows:-

The petitioners are the permanent residents of Chikkanahalli Village and they possess movable and immovable properties in the said village. They are innocent of the alleged offence and they are law abiding citizens. The false case has been registered against them with an intention to spoil their reputation. Alleged offences are triable by Court of Magistrate and not punishable with death or imprisonment for life. Petitioners are willing to offer surety to the satisfaction of the Court and abide by the conditions imposed by the Court. Hence, prayed to grant them anticipatory bail.

4. On service of notice and after furnishing copies of petition, the learned Prosecutor has filed objections stating investigation reveals prima-facie case against the petitioners. The alleged offences are punishable with imprisonment and fine. Petitioners are absconding even after submitting of charge sheet to the Court. If petitioners

are enlarged on bail, they may abscond and tamper the prosecution witnesses and destroy the evidence. Petitioners have stated false facts in their petition and they are highly influential persons. Hence, prayed to reject the bail petition.

5. Heard the arguments of the learned counsel for the petitioners 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 petitioners under Section 482 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 <i>Affirmative</i> ,
Point No.2:	As per final order for the following:

REASONS

8. **POINT No.1**: The bare reading of the complaint reveals that petitioners said to have assaulted the

complainant and one Prakash with club and stone and caused grievous injuries. When they fell unconscious, persons by name Prasanna S/o. Narendrababu and Bharathkumar S/o. Basavaraju took them to hospital.

9. It is important to note here that, as per complaint, when complainant gained conscious he was at the hospital. Thereafter he took permission of the doctor and went to police station for lodging the complaint. In this regard, there is a Shara at the bottom of the complaint as it was lodged at the police station on 31.07.2025 at about 4.00 p.m.

10. It is important to note here that, if at all complainant and Prakash were admitted to hospital with the history of assault, incident ought to have been treated as MLC by the doctor and same ought to have been intimated to the concerned police station, which is missing. Further if at all complainant and Prakash have sustained grievous injuries, how complainant could go to police station

immediately i.e., within a span of 8 hours. No doubt, these facts can be proved by the prosecution during the course of trial, but at this juncture it does not make prima-facie case against the petitioners.

11. Investigation of the case is completed and charge sheet has been filed in this case and hence, petitioners are no more required for interrogation. Further alleged offences are not punishable with death or imprisonment for life and are triable by the Court of Magistrate.

12. It is also important to note here that, petitioners are ready to furnish surety and abide by the conditions imposed by the Court. Moreover, there is no allegation of criminal antecedents against the petitioners. Hence, apprehension of public prosecutor can be safeguarded by imposing conditions on the petitioners. Therefore, point No.1 has been answered in the **affirmative**.

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

ORDER

The petition filed by the petitioners/accused No.1 to 5 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby ***allowed***.

In the event of arrest of the petitioners by the respondent police in CC No.3076/2025 (Arising out of Crime No.219/2025) for the offences punishable under Sections 118(1), 126(2), 351(2), 352 R/w. Section 3(5) of Bharatiya Nyaya Sanhita, 2023, they shall be released on bail on executing personal bond for Rs.50,000/- (Rupees fifty thousand only) each with a surety for the like sum subject to the following conditions :-

1) Petitioners shall not tamper the prosecution witnesses.

2) They shall move for regular bail application before the concerned Court within a month from the date of this order.

3) They shall not commit any offence.

4) They shall regularly appear before the Court for all the hearing dates.

(Dictated to the Tab, typed the same by the Stenographer Grade-III on Computer and after corrections, then pronounced by me in open Court on this the **7th day of April, 2026.**)

(Usharani)

Principal District & Sessions Judge,
Mysuru.