



**IN THE COURT OF THE II ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 5th day of June 2026

:: PRESENT ::

Sri. Mohan Badagandi,

B.Com., LL.B (Spl.,)

**II Addl. District & Sessions Judge,
Mysuru.**

Crl.Misc.No.802/2026

PETITIONER : Sri. N. Gangaraj,
S/o. Nanjegowda,
Aged about 59 years,
R/at. LIG-54, K.H.B.,
J.T.K. 3rd Stage,
Kuvempunagar,
Mysuru-570023.

(By : **Sri. S.L.,** - Adv.,)

V/s

RESPONDENT : State by S.H.O.
Kuvempunagar Police Station.
R/by Public Prosecutor.

(By : **Public Prosecutor**)

:: ORDER ::

This is the petition filed under Section 483 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity

'BNSS'), seeking regular bail in Cr.No.43/2026 of Respondent Police Station for the offence punishable under Section 109(1) of Bharatiya Nyaya Sanhita, 2023 (for brevity 'BNS').

2. It is the contention of the Petitioner that, Petitioner is innocent, he has not been committed the alleged offence and he is falsely implicated in the case with an ulterior motive. The Petitioner drove the car with an intention to save his life directly to Kuvempunagar Police Station since defacto complainant and his men tried to assault him, frightened by the same and lodged the complaint against defacto complainant. But, the said police did not receive and register the case rather filed a false case against him. The Petitioner already sent his complaint to Commissioner of police, Mysuru on Whatsapp. He is the permanent resident of Mysuru and he has movable and immovable properties and permanent avocation. He is deeply rooted in the society and there are number of persons to vouch for the same and there is no question of fleeing from the justice. He is the only bread earning member of the family and his family members depend on him. The continuation of the judicial custody would adversely impact on his future. He is ready to offer sufficient surety for the satisfaction of the Court. In support of the petition, he has submitted the photocopy of the complaint made before Commissioner of Police on

Whatsapp and his screen short of the Whatsapp message sent to said office on the date of alleged offence. Hence, he has prayed to allow the petition.

3. Per contra, the learned Public Prosecutor has filed objections by narrating the facts of the prosecution along with I.O. report and further contended that, the case is at initial stage, the alleged offences are non-bailable, heinous in nature, punishable with imprisonment up to 10 years and fine also and exclusively triable by the Sessions Court. The CC TV footages of the scene of the offence, the statement of the eye-witnesses are still to be collected if the incident takes place as said by Petitioner. The Petitioner/accused is the RTI activist, he knows the procedure to get registered the case if the incident as he alleged takes place. There is a prima-facie case against the Petitioner. The nature and gravity of the offences, punishment prescribed to the offences are to be taken into consideration for deciding the bail application. On consideration of the contents of the application would go to show that, it is nothing but economic offence. The documents regarding transactions took place between the defacto complainant and Petitioner are required to be collected. Accused persons have intentionally involved in the offence like this nature. The conduct of the Petitioner and economic offences are the important materials in this case. If the petition is allowed, there would be chances of

absconding the Petitioner, accused would threaten the prosecution witnesses and tamper the evidence and win over the prosecution witnesses. In support of the objections, she has relied upon the decision of the Hon'ble Apex Court reported in 2011(3) SCC (Crime) 765. Hence, she has prayed to reject the bail application.

4. Heard. Perused the entire records made available.

5. The following points arise for my consideration:

1. Whether the Petitioner has made out reasonable grounds to exercise discretionary power vested under Section 483 of BNSS ?

2. What order ?

6. My findings to the above 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:-** The case of the defacto complainant is that, he is acquainted with Nandeesh, a MUDA employee and he intended to purchase the property. Hence, Nandeesh introduced Petitioner to defacto complainant. Defacto complainant visited the spot

belongs to Bannanthe Gowda and there were negotiations through Gangaraju and defacto complainant agreed to purchase the property and advanced the amount of Rs.20,00,000/- by cash in June 2024. Thereafter, no registered deed taken place from Bannanthe Gowda in favour of defacto complainant. Several times, even defacto complainant contacted said Gangaraju, but did not get Title Deed from MUDA. Hence, defacto complainant asked Petitioner to return the said money. But the same has not been returned yet.

On this background, on 20.05.2026 at about 12.00 noon the defacto complainant was near MUDA office for some work and he found Petitioner and asked to return the amount and Petitioner informed the same to Nandeesh and Nandeesh called him over the phone and told that he would settle the matter. On the same day when defacto complainant was near Sub-Registrar South Office for his work, he found car bearing No.KA-09-MD-5058 belonging to Petitioner parked there and complainant was waiting for his friend's arrival at about 3.15 pm., Petitioner was coming towards his car without observing the presence of the defacto complainant even though defacto complainant told that he wants to speak with him. Petitioner sat in the said car, the defacto complainant came in front of the car, Petitioner with an intention to cause death of defacto complainant started his car and

drove it towards him. Shocked by the same, the defacto complainant fell on the bonnet of the car, Petitioner drove the said car fast and complainant sat on the bonnet by holding the car wiper, Petitioner drove the car even defacto complainant was sitting on the bonnet for 1 kilometer though he knew that he would endanger the life of defacto complainant and came to Kuvempunagar Police Station and stopped the car. To avoid returning of the said Rs.20,00,000/- to defacto complainant and with an intention to kill him, Petitioner attempted to dash the said car. Hence, the complaint.

8. The careful perusal of the material on record would go to show that, there was a property dispute between the Petitioner and defacto complainant. Defacto complainant agreed to purchase the landed property through Petitioner. The Petitioner is the RTI activist. So far as, the allegations against the Petitioner is that, he took defacto complainant even defacto complainant sat on the bonnet of the car for 1 kilometer with the knowledge that such act would endanger to the human life and cause the death. It is worth to mention that, there is no injury appeared on defacto complainant. There is no medical treatment. There is no MLC in the case. The defacto complainant himself appeared before the complainant police on 20.05.2026 at 8.30 pm., and lodged the written complaint even alleged incident took place between 12.00

noon to 3.30 pm., on same day. Since defacto complainant directly appeared and lodged the compliant, it can be said said there is no injury on him which is endangering to the life. The Petitioner and defacto complainant are known to each other, hence identification of the Petitioner is not in dispute.

9. Further, the alleged offence even punishable with imprisonment up to 10 years, the same may be reduced to great extent if proved after trial. The Petitioner is in judicial custody since 21.05.2026. A remand application would go to show that, the substantial investigation is already completed. The custodial interrogation is not required. Hence, he was remanded to judicial custody.

10. The completion of investigation takes considerable time, Petitioner is not required for further investigation. If the Petitioner is directed to appear before the I.O. the same would facilitate the investigation as well. The address of the Petitioner has not been disputed by the prosecution seriously.

11. It is worth to mention that, after conclusion of arguments of both sides and matter posted for order, the Public Prosecutor has made available I.O. report along with F.I.R. in (1) Cr.No.33/2021 for the offences

punishable under Section 504, 506 of IPC 1860 and Sections 3(10), 3(1)(s), 3(1)(r)) SC and the ST (Prevention of Atrocities) Act. (2) Cr.No.34/2021 for the offence punishable under Section 384 of IPC. (3) Cr.No.23/2022 for the offences punishable under Section 384, 511, 504, 506 of IPC of Lakshmipuram Police Station. (4) Cr.No.108/2021 for the offences punishable under Section 3(1)(s) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015 and Sections 506, 323, 504 of IPC of Nazarbad Police Station. (5) Cr.No.110/2021 for the offences punishable under Section 506, 504, 385 R/W Section 34 of IPC of Vijayanagar Police Station. (6) Cr.No.97/2024 for the offences punishable under Section 323, 307, 504 R/W Section 34 of IPC of Thuruvekere Police Station.

12. Counsel for the Petitioner has produced the downloaded copy of the following orders to counter the documents produced by the prosecution.

1. Downloaded copy of the business status of Crl.P.No.3879/2022 pending before the Hon'ble High Court of Karnataka, Prl. Bench, Bangalore, the Hon'ble High Court stayed the proceedings in Spl.C.No.438/2021 pending on the file of

VI Addl. District and Sessions Court,
Mysuru.

2. Down lodged copy of judgment in CC.No.37302/2022 of VIII Addl. Civil Judge and JMFC., Mysuru, court. Accused/Petitioner acquitted on 27.07.2024.
3. Downloaded copy of Crl.P.No.5581/2024 (482 (Cr.PC)/528 (BNSS) (Cr.No.97/2024 of Thuruvekere Police Station, Tumkur District) of Hon'ble High Court of Karnataka Prl. Bench, Bangalore, the Hon'ble High Court quashed the PCR No.71/2024.
4. Downloaded copy of the business status of Crl.P.No.11916/2025 pending before the Hon'ble High Court of Karnataka, Prl. Bench, Bangalore.
5. Photocopy of the FIR, first information, 'B' Final report, Police Notice, Mahazar, Statement of witness and Police notice to Petitioner, Voluntary Statement of Petitioner and Statements of witnesses, application made to Vijayanagar Police and Kuvempu Vidyavardaka Trust (R) in Cr.No.110/2021 of Vijayanagar Police Station, Mysuru City.

13. On perusal of the above materials furnished by both the sides after the arguments would show that, the Petitioner was the accused in 6 cases in which two cases are only pending and remaining cases are either quashed or stayed or ended in acquittal. But, Petitioner has not been convicted yet for the scheduled offences in any one of them. So, he is not termed as habitual offender as per Section 2(e) of the Karnataka Habitual Offenders Act, 1961. The alleged offences are not punishable with imprisonment for life or death.

14. Further, it is specifically contended by the Petitioner that, the Petitioner filed complaint against the defacto complainant and same has not been received and registered against defacto complainant even the said complaint made to Commissioner of Police, Mysuru on Whatsapp.

15. The careful perusal of the entire material on record would go to show that, the intention behind the alleged incident is Agreement of Sale and the said Agreement of Sale has not been ended in registered Sale Deed. Hence, defacto complainant asked for repayment of the said amount then dispute arose, in such case it is a suspicious that the nature of the incident is civil in nature.

Civil dispute cannot be used as a weapon to recover the money which is in civil in nature.

16. By considering the facts and circumstances of the case, nature and gravity of the offences, punishment prescribed to the alleged offences, duration of the judicial custody of the Petitioner, the substantial investigation is already completed, the further investigation takes considerable time, identification of the Petitioner is not in question, no injuries on Petitioner in the alleged incident there is a delay in lodging the complaint, I am of the opinion that, the Petitioner has made out sufficient grounds to enlarge him on regular bail by exercising discretionary power vested U/Sec.483 of BNSS subject to reasonable conditions to satisfy the objections of the learned Public Prosecutor. Accordingly, **I answer Point No.1 in the Affirmative.**

17. **POINT NO.2:-** In the result, I proceed to pass the following:

ORDER

The petition filed under Section 483 of BNSS is allowed.

The Petitioner is ordered to be released on bail on in Cr.No.43/2026 of Kuvempunagar Police Station on executing

personal bond for Rs.1,00,000/- and surety for like sum with the following conditions:

1. He shall appear before the I.O. on every 2nd and 4th Sunday between 11.00 am., to 12.00 pm., till filing the Charge sheet or 90 days from the date of this order whichever is earlier.
2. He shall not tamper or hamper the prosecution witnesses in any manner.
3. He shall co-operate with I.O for investigation.
4. He shall appear before the jurisdictional Court regularly.
5. He shall not indulge in similar offence in future.

[Dictated to the Stenographer, transcribed & computerized by her, transcript revised, corrected and then pronounced by me in the open Court on this the, on this the **5th day of June 2026**]

(Mohan Badagandi)

II Addl. District & Sessions Judge,
Mysuru.

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