

KAMS010043302026



Crl.Misc./910/2026

**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT MYSURU**

Dated this the 27th day of June 2026

**Present: Smt.Sandhya Rao.P., B.Sc., LL.B.
I Addl. District & Sessions Judge
Mysuru**

Crl.Misc./910/2026

- Petitioners:**
- 1.** Sri.Amith.K.S. s/o Suresh.K.N.,
Age: 23 years, permanent resident
of Magadi Palya, Kunigal Taluk,
Yadiyuru Hobli, Tumkur-572 130.
Presently r/at No.409/P1,
8th Cross, Bank Colony, near
Ganapathy Temple, Bogadi,
Mysuru-570 026.
 - 2.** Sri.Abhishek K.S.
s/o Suresh.K.N.,
Age: 26 years, permanent resident
of Koppa Village, Koppa Post,
Kungial Taluk , Tumkur-572 142.
Presently r/at No.409/P1,
8th Cross, Bank Colony, near
Ganapathy Temple, Bogadi,
Mysuru-570 026.

3. Sri.K.N.Suresha s/o Nanjaiah,
Age: 55 years, permanent resident
of Koppa, Kunigal Taluk,
Yadiyuru Hobli,
Tumkuru 572142.

4. Smt.M.R.Shashikala,
w/o Sri.K.N.Suresh,
Age: 48 years,
permanent resident
of Koppa, Kunigal Taluk,
Yadiyuru Hobli,
Tumkuru 572142.

[By Sri.RHP, Advocate]

v/s

Respondent: The SHO, Vijayanagara Police
Station, Mysuru City.

[By learned PP]

ORDER

The petitioners/accused Nos.1 to 4, have filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail in respect of Cr.No.89/2026, of Vijayanagara Police Station registered for the offences punishable under Section 108 r/w Section 3 (5) of Bharatiya Nyaya Sanhitha, 2023.

2. The criminal law was set into motion on the basis of the FIS given by the informant Smt.Madhupalathi, on 03.06.2026, at about 7 PM, before the respondent-police thereby alleging that, she is residing in the rented house bearing No.3951, 6th Cross, 2nd Main, Vijayanagara, Mysuru, along with her husband and daughter and was working as a Typist on contract basis at Mysuru University.

3. The informant further stated that on 03.06.2026, at 10 AM she and her husband had been to their work and their daughter had been to her college at 8.30AM. On the same day at 1.10PM she returned home for lunch and found the door of the house open. She saw her husband's Honda Activa Scooter parked outside the house and assumed that he had also come home for lunch. When she went inside she did not see her husband in the hall and hence called him, however, there was no response. Hence, she went to their bedroom she saw that her husband had hanged himself to the iron rod of the ceiling using a plastic rope. Immediately she called and informed her niece who is staying at Vijayanagar 4th stage about the incident. The husband of her niece by name Jagadeesh and his friends came home, brought down her husband and shifted him in a car to Aditya Adhikari

Hospital at Gokulum, where the doctors declared him brought dead. She had stayed back at home and at that time she found on the Tepoy the death note written by her husband. Her husband in the said note had stated that their previous neighbors at SBM Colony, Mysuru by name Suresha, his wife Shashikala and their children Abhishek and Amith i.e., the petitioners/accused persons had been continuously harassing him mentally by following him frequently and threatening him of kidnapping his daughter and his life with dire consequences. Deeply pained by the same he was committing suicide. The informant further stated that due to frequent quarrels and mental harassment given by the petitioners/accused persons, they had vacated their previous rented house at Bank Colony and had shifted to Vijayanagara 2nd Stage. Despite the same the petitioners/accused persons had continued to met out mental harassment to her husband which resulted in him committing suicide.

4. The SHO, Vijayanagara P.S., received the aforesaid FIS and registered a case in Cr.No.89/2026, against the petitioners herein for the offences mentioned herein above.

5. In the back drop of the registration of the aforesaid case, the petitioners/accused persons have moved the

present petition stating that they are innocent and law abiding citizens and they have not committed any offence as alleged against them. The petitioners have been falsely implicated in this case based on a created and concocted death note of deceased Shivakumar.H. Petitioner Nos.3 & 4 are the parents of petitioner Nos.1 and 2. Petitioner No.1 is studying in 2nd year LLB and petitioner No.2 is doing the job of door delivery service and they are presently residing at Mysuru and petitioner Nos.3 and 4 are residing at Koppa Village, Kunigal Taluk, Yadiyuru Hobli, Tumkur District. Hence, the allegation of threatening the life of said Shivakumar is untenable, false and baseless. It is further stated that about 1 1/2 year back when the petitioners were neighbours with the deceased Shivkumar, an altercation had taken place between them due to illegal encroachment of petitioners portion of property by the said Shivakumar. Therefore, with an oblique motive the informant lodged a false complaint in order to harass the petitioners/accused persons. Reasons made out in the alleged death note are highly unbelievable and does not attract Section 108 of BNS. The offences alleged against the petitioners are neither punishable with death nor imprisonment for life. The petitioners are having respectable family background and good reputation in the society. If the petitioners are

arrested and detained in the custody, it will tarnish their image in the society. The petitioners are ready to offer surety to the satisfaction of the Court and abide by the conditions that may be imposed by the Court in order to enlarge them on bail. On the said grounds, the petitioners prayed to grant pre-arrest bail.

6. Per contra, the learned Public Prosecutor has filed her detailed objections contending that the investigation so far and the materials collected reveals the involvement of the petitioners/accused persons in the commission of grievous offences as alleged against them. It is further contended that the Investigation Officer after registration of FIR has conducted the spot panchanama and inquest of dead body in the presence of panch witnesses. Post Mortem Report and FSL Report with regard to viscera collected from the dead body are yet to be obtained. Death note seized from the place of offence is yet to be sent to the FSL for forensic analysis. Documents pertaining to the place of offence and the statements of eye witnesses and circumstantial witnesses are yet to be recorded. Information with regard to involvement of accused persons in any other cases is yet to be obtained. Such being the case, at this stage, if bail is granted there are chances of tampering of prosecution witnesses;

chances of committing similar offences is more and there is every likelihood of the petitioners absconding and not appearing before the Court which will cause delay in conducting the trial. The petitioners are absconding from the date of commission of offence. On these grounds, the prosecution prays to reject the bail petition.

7. Heard counsel for petitioners and the learned Public Prosecutor. Perused the materials available on record.

8. In the aforesaid background, the following point arises for the consideration of this court:

Whether the petitioners are entitled for grant of anticipatory bail under Section 482 of BNSS as sought for respectively?

9. This Court answer's the above point in the ***Affirmative*** for the following;

: R E A S O N S :

10. On careful perusal of the materials available on record, it is seen that the present case was registered alleging that the petitioners/accused persons have committed the offences punishable under Section 108 and 3 (5) of Bharatiya Nyaya Sanhitha, 2023.

11. The case of the prosecution is that the petitioners/accused persons in furtherance of their common intention of instigating the deceased to commit suicide had continuously caused mental harassment to the deceased Shashikumar.H. (informant's husband) by frequently following him, threatening him to kidnap his daughter and his life with dire consequence and thereby abetted his suicide.

12. In the case of ***Prakash and others Vs State of Maharashtra and others, Criminal Appeal -/2024 (Arising out of SLP (Crl.) No.1073 of 2023), dated 20.12.2024***, the Hon'ble Supreme Court while dealing with a case under Section 306 has held as under:

“13. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied. 14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its

principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide. 15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide.”

13. From the aforesaid case, it is clear that, in order to bring home the guilt of the accused for the offence of abetment to commit suicide, the prosecution is required

bring on record direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased.

14. In the instant case, the prosecution is relying upon the death note of the deceased to oppose the bail petition. However, from the death note it is noticed that there was some dispute between the deceased and the petitioners herein and with regard to the same verbal altercation between them used to take place now and then. On 04.05.2006, at about 9.15 PM, accused No.1 had gone near the house of the deceased in search of him. Thereafter, he had followed the deceased at about 10.20 PM and attacked the deceased near HP Gas Store, on Hinkal Ring Road. Subsequently, unable to tolerate the harassment, the deceased had committed suicide on 03.06.2026.

15. Prima facie, from the aforesaid contents of the death note it appears that there is no proximity between the alleged incident and the suicide. Further more, the instigation on the part of the petitioners to the deceased to commit suicide is also not forth coming at this stage.

Under such circumstances, the specific overt act committed by each of the petitioners in abetting the suicide of the deceased can be ascertained only after elaborate trial.

16. It is not in dispute that the offences alleged against the petitioners are not exclusively punishable with death or imprisonment for life. Petitioner No.1 being a student and petitioner No.4 being a women are entitled for bail on the said ground itself. Further more, the prosecution has not produced even an iota of material to prove the criminal antecedents of the petitioners. Hence, for the reasons recorded herein above, this Court is of the opinion that the petitioners have made out sufficient grounds for grant of regular bail. Accordingly, the above point is answered in the ***Affirmative*** and consequently this court proceeds to pass the following;

ORDER

Petition filed under Section 482 of BNSS, 2023 by the petitioners/accused persons is here by allowed;

Petitioners shall be released on bail in the event of their respective arrest in

Cr.No.89/2026, of Vijayanagara Police Station registered for the offences punishable under Section 108 and 3 (5) of Bharatiya Nyaya Sanhitha, 2023, on executing a personal bond for a sum of Rs.1,00,000/- each with one surety each for like-sum to the satisfaction of the arresting authority or the jurisdictional Court subject to the following conditions;

- i)** Petitioners shall appear before the IO and the Court as and when directed.
- ii)** They shall not tamper prosecution evidence and threaten the prosecution witnesses.
- iii)** They shall not indulge in any criminal acts of similar nature or crimes hereinafter.
- iv)** They shall furnish documents relating to proof of their respective identity and address and intimate change of residence to the concerned Court/I.O.

▼) Petitioners shall appear before the Court concerned on every date of hearing, unless exempted for valid reasons.

(Dictated to the Stenographer, transcribed and typed by her, corrected by me and then signed and pronounced by me the open Court on this the 27th day of June 2026).

sd/-

(Sandhya Rao.P)
I Addl. Dist. & Sessions Judge,
Mysuru.