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SC/164/2025

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

**DATED THIS THE 1<sup>st</sup> DAY OF DECEMBER 2025**

**PRESENT**

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

**SC/164/2025**

**Complainant** : The State by Jayapura Police  
Station, Mysuru City.  
(By **Learned Public Prosecutor**)

**Versus**

**Accused No.8** : Sri Vijesh  
S/o Vijayan,  
Aged about 38 years,  
Residing at  
Arackal House, Kuruvatta Village,  
Kannakalipalam Taluk,  
Alappuzha Kerala

**(By Sri B.S.P-Adv.,)**

**ORDER ON BAIL PETITION FILED  
U/SEC.483 OF BHARATHIYA NAGARIKA SURAKSHA  
SANITHA, 2023**

This is a bail petition U/Sec. 483 of Bharathiya Nagarika  
Suraksha Sanitha, 2023 filed by the Accused and sought for

release him on Bail in Crime No.14/2025 (CC No.841/2025) of Jayapura Police Station for the offences punishable U/Sec.61, 126(2), 310(2), 311, 238 of BNS, 2023 in C C No.841/2025.

2. **Nutshell of the petition are as under:**

The learned counsel for the Accused in the petition has alleged that the Complainant Police have registered the case against the Accused No.8 and others in their Police Station Cr.No.14/2025 for the offences punishable U/Sec.61, 126(2), 310(2), 311, 238 of BNSS, 2023, and the charge-sheet has been filed numbered as C.C.No.841/2025 and case has been committed to this court and renumbered as S C No.164/2025, and the Accused No.8 is suffering from ill-health, in Cr.No.14/2025 and it has been registered as S C No.164/2025 pending before this Court and the Accused No.8 name has been included in the FIR out of the ulterior motive of ruining the Accused life, thereby filed the instant petition and false case has been registered against the Accused based on the false complaint which filed by one Mahammad Ashraf S/o Ali, 45 years, resident of Koduvalli Village,

Thamarassery Taluk, Kozhikode Rural, Kerala stating that who is residing in the above said address along with his wife and four children and who is running retail shop since 8 to 9 years at Koduvalli Village in the name and style of Sifi chocolate retail shop apart from running the said shop who is also doing arecanut business by taking lease, so in the last week came to Magge Village, H.D Kote Taluk, Mysuru District situated in the main road of Antharasanthe to see the arecanut garden along with his friend Bujerna in car bearing registration No. KA-03-Y-1261 Eco ford and one Sufi shown the arecanut garden and thereafter, they returned to his native place. On 20.01.2025 to purchase the arecanut garden near Magge Village situated in Antharasanthe Main road at about 3.00 a.m., proceeding towards Magge Village reached Culpetta bus stop at 5.00 a.m., and called the Sufi, his friend and car driver Sufi came with car bearing registration No.KA-03-Y1261 Eco ford, thus himself, his friend and car driver were proceeding on Manandawadi Road at about 9.15 p.m., 2 to 3 cars were came on their back side of the car and one Swift car stopped in front of the car restrained for further

proceedings and other two cars which are following their car came near the car and 5 to 6 persons were getting down from the car and surrounded his car and he is broken the window glasses by means of Jack Rod and wheel spanner, thereby himself and Sufi were questioned them about broken of window glasses one of them assaulted by means of spray bottle and sprinkling the spray bottle to Sufia as a result started a burning of their eyes and assaulted by means of Jack Rod and wheel spanner on his left face and lip, though Sufi intervened were assaulted by means of Jack Rod and wheel spanner on his both elbow as a result sustained the blood injury and pushed them from the car and taken away the cash of Rs.1,50,000/- which was brought from his house and robbed the Viva mobile, car and cash of Rs.1,50,000/- and noticed the car bearing registration No.DL-8CA-K-9775, Silver colour, Innova car bearing registration No.KA-05-NL-6188, Innova gray colour car and he is forcibly took the car, Viva mobile and cash of Rs.1,50,000/- and ran away from the said spot towards H.D Kote side, thereby himself and Sufi had been to the Hampapura Government hospital and provided

the treatment to the Sufi and informed the same to his family members, thereby the delay caused in lodging the complaint, so, based on the said complaint case was came to be registered against the Accused No.8 and others and the Accused No.8 has been arrested and produced before the court and he has been remanded to Judicial Custody. Now, the petitioner has come up with the instant bail petition for the following :-

**:::GROUNDS:::**

1. The accused No.8 is an innocent and law-abiding citizen and he has not at all committed the offence as alleged by the complainant police and falsely implicated with an intention to harass the petitioner.
2. The Accused no.8 hails from respectable family and he has not at all committed the offences as alleged and the accused is the resident of Mysuru District.
3. The Accused No.8 is suffering from ill-health, he needs special treatment and care and having old aged parents who are depending on his income.

4. The Accused no.8 is an agriculturist by profession having movable and immovable properties and if the bail is not granted the reputation of the Accused No.8 will be spoiled in the eye of public.
5. The Accused No.8 undertakes to appear before the court on all the hearing dates and undertake to furnish the surety to the satisfaction of the court and prays for allow the petition.

3. In response to the notice, the learned Public Prosecutor has been 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 that on 20.01.2025 as per the information which given by one Sufi on 20.01.2025 in the morning hours proceeding on H.D.Kote Manandawadi Road for the purpose of purchase of arecanut garden in a car bearing registration No. KL-03-Y-1261 Eco ford and three cars were following their car and suddenly stopped the car in front of the complainant car and all the persons who are came in three cars getting down

and surrounded the car and broken the window glasses and robbed Rs.1,50,000/-, car and mobile by assaulting Jack Rod and wheel spanner as a result they sustained the blood injuries and took the treatment, thus the Accused is not entitled the bail as sought for and the I.O visited the spot and drawn the panchanama in the presence of the panchas and seized the vehicles which was used for the commission of offence and recorded the statement and the Accused is the powerful persons, if he is released on bail there is a chances of committing similar offences and all the accused is the resident of out side the Karnataka and there is a chances of absconding from the jurisdiction of the Court and if the Accused is released on bail there is a chances of tampering and hampering of the prosecution witnesses and prays for reject the bail petition.

4. Heard the arguments on both sides.
5. The points that arise for Court consideration are:
  1. Whether the Accused No.8 is entitle the bail on the ground of ill-health at this stage ?
  2. What Order?

6. My answer to the aforesaid points are:

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. As the complainant namely one Mahammad Ashraf S/o Ali, 45 years, resident of Koduvalli Village, Thamarassery Taluk, Kozhikode Rural, Kerala stating that who is residing in the above said address along with his wife and four children and who is running retail shop since 8 to 9 years at Koduvalli Village in the name and style of Sifi chocolate retail shop apart from running the said shop who is also doing arecanut business by taking lease, so in the last week came to Magge Village, H.D Kote Taluk, Mysuru District situated in the main road of Antharasanthe to see the arecanut garden along with his friend Bujerna in car bearing registration No. KA-03-Y-1261 Eco ford and one Sufi shown the arecanut garden and thereafter, they returned to

his native place. On 20.01.2025 to purchase the arecanut garden near Magge Village situated in Antharasanthe Main road at about 3.00 a.m., proceeding towards Magge Village reached Culpetta bus stop at 5.00 a.m., and called the Sufi, his friend and car driver Sufi came with car bearing registration No.KA-03-Y1261 Eco ford, thus himself, his friend and car driver were proceeding on Manandawadi Road at about 9.15 p.m., 2 to 3 cars were came on their back side of the car and one Swift car stopped in front of the car restrained for further proceedings and other two cars which are following their car came near the car and 5 to 6 persons were getting down from the car and surrounded his car and he is broken the window glasses by means of Jack Rod and wheel spanner, thereby himself and Sufi were questioned them about broken of window glasses one of them assaulted by means of spray bottle and sprinkling the spray bottle to Sufia as a result started a burning of their eyes and assaulted by means of Jack Rod and wheel spanner on his left face and lip, though Sufi intervened were assaulted by means of Jack Rod and wheel spanner on his both elbow as a result

sustained the blood injury and pushed them from the car and taken away the cash of Rs.1,50,000/- which was brought from his house and robbed the Viva mobile, car and cash of Rs.1,50,000/- and noticed the car bearing registration No.DL-8CA-K-9775, Silver colour, Innova car bearing registration No.KA-05-NL-6188, Innova gray colour car and he is forcibly took the car, Vivo mobile and cash of Rs.1,50,000/- and ran away from the said spot towards H.D Kote side, thereby himself and Sufi had been to the Hampapura Government hospital and provided the treatment to the Sufi and informed the same to his family members, thereby the delay caused in lodging the complaint, so based on the said complaint case was came to be registered against the Accused No.8 and others and he has been arrested and produced before the Court. Now,the Accused No.8 is in the Judicial Custody and come up with the instant petition and sought for bail, on the ground of ill-health.

8. The learned counsel for the Accused No.8 in her arguments has submitted that, the Accused No.8 is innocent

and law abiding citizen and he has not at all committed the offences which alleged against him, but falsely implicated only with an intention to harass the Accused No.8 and the offences which alleged against the Accused No.8 though non-bailable in nature, but the same are not punishable either life nor death which are imprisonment less than 7 years and the FIR and the complaint do not attract the case against the Accused No.8 and the Accused No.8 is in the judicial custody and suffering from ill-health, therefore it needs special care and treatment and prays for allow the bail application.

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, if the averments of complaint and other materials on record are taken into consideration that there are reasonable grounds to believe the guilt of the Accused No.8 and the Accused No.8 is the resident of Kerala state and the offences which alleged against him are non-bailable in nature. If the Accused No.8 is released on bail, there is chances of the tamper or hamper

the prosecution witnesses and prays for reject the bail petition.

10. It is an admitted fact, the Complainant Police have registered the case against the Accused No.8 and others in their Police Station Cr.No.14/2025 for the offences punishable U/Sec. 310(2) of BNS, but in the charge-sheet the case has been registered for the offences punishable U/Sec. 61, 126(2), 310(2), 311, 238 of BNS. Thus, this Court drawn its attention on **Sec.483 of BNS** which reads like thus:-

***"Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) gives the High Court and Court of Session special powers over bail, allowing them to grant bail, modify conditions set by a lower court, or, under subsection (3), cancel bail and order an arrest. The power to cancel bail is a significant one, generally used when the accused violates bail conditions, flees, or tampers with evidence"***

11. The above provision is very much clear the High

Court and Court of Session having a special powers over bail, allowing them to grant bail, modify conditions set by a lower court, or, under subsection (3), cancel bail and order an arrest. The power to cancel bail is a significant one, generally used when the accused violates bail conditions, flees, or tampers with evidence

12. In the instant case, if certified copy of the order sheet of JMFC., II Court, Mysuru and the order sheet are taken into consideration the Accused No.8 has been arrested and produced before the Court, he has been remanded to Judicial Custody, even prior to committing this case the Accused No.8 was in the judicial Custody, even after committing to this court the Accused No.8 is in the Judicial Custody.

13. Now, the Accused No.8 has come up with the instant bail petition on the ground of ill-health, admittedly, the learned Counsel for the Accused No.8 filed bail application and sought for released of the Accused No.8 on health ground, thereby, the Jail Superintendent has been called for

production of Medical records and the present condition of the Accused No.8. Accordingly, the Jail Superintendent submitted the medical records stating that the Accused No.8 got admitted to the Hospital for pain abdomen on 16.11.2025 and diagnosed with hollow viscus perforation and he underwent emergency laparotomy by department of surgery, K.R.Hospital Mysuru. Presently, Accused No.8 is taking treatment at Jail ward, K.R.Hospital. So, the medical records which produced by the Jail Superintendent are clear the accused No.8 is suffering from ill health as stated supra, and taking treatment as inpatient from 16.11.2025.

14. It is an admitted fact, the IO is already completed the investigation and filed the Charge sheet, thus the Accused is no more required either for investigation or interrogation.

15. The learned Public Prosecutor while canvassing her arguments has much argued if the Accused No.8 is released on bail it is very difficult to securing the Accused No.8 in future, once the Accused No.8 released on bail, it is very difficult to secure him in conducting the case. But whereas,

the learned Counsel for the Accused No.8 in her arguments has submitted that the Accused No.8 is ready to abide by any conditions which may be imposed by this Court. Thus, considering the health condition of the Accused No.8 and the charge-sheet which already filed by the Investigating Officer, it is just and necessary to release the Accused No.8 by imposing stringent conditions, it will meet the ends of justice. Though the offences which alleged against the Accused No.8 are non-bailable in nature, but the same are not punishable either life nor death. Hence, I am of the opinion that the **Point No.1** is answered in the **Affirmative**.

16. **Point No.2** : In view of my answer to the Point No.1 as stated above, I proceed to pass the following;

**ORDER**

The Bail Petition filed U/Sec.483 of BNSS., by the Accused No.8 is hereby **Allowed**, the Accused No.8 shall be released on bail in Cr.No. 14/2025 of Jayapura Police Station (C C No.841/2025 for the offences punishable U/Sec.61, 126(2), 310(2), 311, 238 of BNS, 2023 on executing personal bond for Rs.1,00,000/- (Rupees One Lakh only) with

two local sureties for like sum with the following conditions:

1. The Accused No.8 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
2. The Accused No.8 shall not leave the jurisdiction of Karnataka and Kerala States till completion of Trial, without prior permission of the concerned Court.
3. The Accused No.8 shall not indulge in similar offence in future, if any of the Police in the jurisdiction of Mysuru reported, the bail order stands cancelled.
5. The Accused No.8 shall attend the Court on all the dates of hearing without fail.
6. In the event of violation of any of the condition, the bail granted to the Accused No.8 shall automatically stands cancelled.

(Dictated to the Stenographer Grade-III directly on computer, and then corrected and pronounced by me in the Open Court, on this the 1<sup>st</sup> **day of December 2025**)

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