

KAMS010059812025



SC/164/2025

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

DATED THIS THE 12TH DAY OF JANUARY 2026

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
persons**

- 1.Sri Arjun K S @ Ambaadi
S/o Santhosh K K
Aged about 24 years,
Residing at
Kurraseril house, Vechoor Village
Vaikom Taluk,
Kottayam,
Kerala.
- 2.Sri Shrijith P
S/o Ponappan V,
Aged about 38 years,
Residing at
Vettatheril house,
Karuvatta Village and post,
North Karuvatta,

Kannukalipalam Taluk,
Alappuzha, Kerala.

3.Sri Adarsh M
@ Murugan,
S/o Late Mutthu,
Aged about 26 years,
Residing at
Adarsha Bhavanam,
Karuvatta Village,
Kannukalipalam 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 persons and sought for release them 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 persons in the petition has alleged that the Complainant Police have registered the case against the accused persons 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 persons have not at all committed any offence as alleged as they are the innocent and law abiding citizen but, falsely implicated only with an intention to harass them and the I.O. is already submitted the charge sheet and the accused No.6, 10 and 11 are no more required for the purpose of investigation or interrogation and they were having old aged parents and family members who are all depending on their income.

3. The accused No.6, 10 and 11 are hails from respectable family having deep root in the society, though the offences which alleged against the accused are non-bailable in nature but, the same are not punishable either life nor death and the petitioners under takes to abide by all the conditions which may be imposed by this court and ready to furnish the surety to the satisfaction of the court and

undertakes to co-operate with the trial and they will not tamper nor hamper the prosecution witnesses and prays for allow the bail petition.

4. 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 persons are 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 persons are the powerful persons, if they are released on bail there is a chances of committing similar offences and all the accused persons are the resident of out side the Karnataka and there is a chances of absconding from the jurisdiction of the Court and if the accused persons are released on bail there is a chances of tampering and hampering of the prosecution witnesses and prays for reject the bail petition.

5. Heard the arguments on both sides.
6. The points that arise for Court consideration are:
 1. Whether the accused persons are entitle the bail at this stage ?
 2. What Order?
7. 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::

8. **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 themselves, 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 themself 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 themselves 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 persons and others and they have been arrested and produced before the Court. Now, the accused No.6, 10 and 11 are in the Judicial Custody and come up with the instant petition and sought for bail.

9. The learned counsel for the accused persons in his arguments has submitted that, the accused persons are innocent and law abiding citizens and they have not at all committed the offences which alleged against them, but falsely implicated only with an intention to harass the accused persons and the offences which alleged against the accused persons 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 persons and the accused persons are in the judicial custody and prays for allow the bail application.

10. 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 persons and the accused persons are the resident of Kerala state and the offences which alleged against them are non-bailable in nature. If the accused persons are released on bail, there is chances of the tamper or hamper the prosecution witnesses and prays for reject the bail petition.

11. It is an admitted fact, the Complainant Police have registered the case against the accused persons 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 persons violates bail conditions, flees, or tampers with evidence"

12. 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 persons violates bail conditions, flees, or tampers with evidence

13. In the instant case, the accused No.6 10 and 11 have been arrested and produced before the Court, they have been remanded to Judicial Custody, even prior to committing this case the accused persons are in the judicial Custody, even after committing to this court the accused persons are in the Judicial Custody.

14. Now, the accused persons have come up with the instant bail petition, admittedly, the learned Counsel for the accused persons filed bail application and sought for release of the accused persons on the ground the other accused persons were already on bail and applied the principles of parity. It is an admitted fact the accused No.6, 10 and 11 from the date of arrest were in judicial custody. It is an admitted fact, the IO is already completed the investigation and filed the Charge sheet, thus the accused persons are no more required either for investigation or interrogation.

15. The learned Public Prosecutor while canvassing her arguments has much argued if the accused persons are released on bail it is very difficult to securing the accused

persons in future, once the accused persons released on bail, it is very difficult to secure them in conducting the case. But whereas, the learned Counsel for the accused persons in his arguments has submitted that the accused persons are ready to abide by any conditions which may be imposed by this Court and ready to undertake to co-operate the court for trial. Thus, considering the grounds which urged in the bail petition and the charge-sheet which already filed by the Investigating Officer, it is just and necessary to release the accused No.6, 10 and 11 by imposing stringent conditions, it will meet the ends of justice. Though the offences which alleged against the accused No.6, 10 and 11 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.6, 10 and 11 is hereby

Allowed, the accused No.6, 10 and 11 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/- each (Rupees One Lakh only) with two local sureties for like sum with the following conditions:

1. The accused No.6, 10 and 11 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 them/her from disclosing such facts to the Court or to any Police Officer.
2. The accused No.6, 10 and 11 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.6, 10 and 11 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 persons No.6, 10 and 11 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

persons No.6, 10 and 11 shall automatically
stands cancelled.

(Dictated to the Typist directly on computer, and then corrected and pronounced
by me in the Open Court, on this the 12th day of January 2026)

(P.J. Somashekar)

IV Addl. District & Sessions Judge,
Mysuru