



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

Dated this the 5th day of February, 2026

**Present: Sri.D.Puttaswamy, B.A., LL.B.
I Addl. Dist. & Sessions Judge
Mysuru**

: SPL.C/678/2023:

Complainant

State by Nanjangud Traffic Police
Station.

V/s.

Accused :

2. Swamy B.N. S/o Late
Bhujangashetty, aged about 51
years, R/o # 78, 7th Cross,
J.P.Nagar, 'C' Block, Mysuru.

(By Sri H.B.Murthy, Adv.

:: ORDER ON BAIL PETITION ::

The above bail petition is filed under Section 439 of
Cr.P.C seeking bail for accused No.2.

2. In brief, the petition averments reads as
under:

That the complainant/police have registered the case against the accused for the offences punishable U/s.279 and 338 of IPC R/w.Sec.187, 146 R/w.Sec.196 of IMV Act and and U/s.139 of Electricity Act and submitted charge sheet. The accused is School Teacher, he is the owner of vehicle. He has not committed any offences as alleged by the complainant police. He is the permanent resident of Mysuru City. He undertakes to appear before the Court on all dates of hearing. He is ready to abide by all conditions that may be imposed by this Court and ready to offer surety to the satisfaction of the Court and accordingly, he has prayed to allow the bail petition.

3. Learned Public Prosecutor after receipt of copy of bail application has filed objections contending that the investigation of the case is completed and charge sheet is filed. At this stage, if the accused is released on bail, he may abscond and cause hindrance to the trial. The grounds urged by the accused are far away from truth and accordingly, prayed to reject the bail petition.

4. Heard arguments of learned counsel for accused and learned Public Prosecutor.

5. Ongoing through the contents of petition, objections, investigation report and other materials on record, in the light of submission of the counsel, the points that arises for consideration of this court are:

1. **Whether the bail petition filed on behalf of accused No.2 under Section 439 of Cr.P.C. deserves to be allowed?**

2. **What order?**

6. Above points are answered for the reasons, findings given in the foregoing discussion as:

Point No.1 : In the **Affirmative**.

Point No.2: As per final order for the following;

REASONS

7. **Point No.1:** The above bail petition is filed for release of accused No.2 on the ground that he is innocent of commission of offence and he has been falsely implicated in the case for no fault of him.

8. The Learned Counsel for accused No.2 argued that accused No.2 is the owner of the vehicle, he has not committed any offences. If accused No.2 is detained in judicial custody, he and his family members will be put to

greater hardship and accordingly, prayed to allow the petition.

9. Per contra the Learned Public Prosecutor argued that there is prima facie case against the accused No.2. If he is released on bail, there is every chance of he tampering with the prosecution witnesses and flee from justice and therefore, looking to the gravity of offence, it is prayed to reject the application.

10. I have perused the case papers. On perusal of records, it is seen that according to prosecution on 29.10.2022 at about 12.20 a.m. within the jurisdiction of Nanjangud Traffic Police Station at near Thandavapura Circle, on Mysuru Nanjangud Main road, CW2 was riding his motorcycle bearing No.KA 09 EW 6759 from Thandavapura to Hallididdi, while crossing the road, the accused No.1 being Driver of the Creta SX Car bearing No.KA 09 MF 0408 driving from Mysuru to Nanjangud in high speed and in rash and negligent manner so as to endanger human life and dashed against CW2, due to which CW2 fell down along with motorcycle and sustained grievous injuries. Thereafter, accused No.1 could not controll the said Car, dashed against the electric pole erected in between

divider, due to which electric pole broken and caused loss to the CHESCOM to the tune of Rs.57,680/-. The accused No.1 without informing the said fact to the police and without providing treatment to the injured left the spot of accident. The accused No.2 being owner of the motorcycle bearing No.KA 09 EW 6759 has not insured the same with insurance company. In this regard, CW1 lodged the complaint before Nanjangud Traffic police. Based on said complaint, Nanjangud Traffic police have registered the case in Cr.No.113/2022 for the offences punishable U/s.279 and 337 of I.P.C. and U/s.187 of IMV Act against the Driver of the Car. After completing investigation, IO has filed the charge sheet against the accused No.1 and 2 for the offences punishable U/s.279 and 338 of IPC R/w.Sec.187, 146 R/w.Sec.196 of IMV Act and and U/s.139 of Electricity Act.

11. On perusal of the order sheet, it is seen that the accused No.1 and 2 are remained absent, this Court issued NBW against them. The accused No.2 present, filed bail application along with application U/s.70(2) of Cr.P.C. Admittedly, the offences alleged against the accused No.2 are not punishable with death or life imprisonment. The

accused No.2 has undertaken to appear before the Court regularly during trial and ready to offer surety for his due appearance. Taking note of the aforesaid facts and circumstances, I am of the opinion that if the bail application filed on behalf of the accused No.2 is allowed by imposing conditions, it will meet the ends of justice. In the result, I answer point for consideration in the **Affirmative.**

12. **Point No.2:-** In view of my answer on point No.1 and for the foregoing reasons, I proceed to pass the following:

: O R D E R :

The bail application, filed U/s.439 of Cr.P.C. on behalf of accused No.2 is allowed.

The accused No.2 by name Swamy B.N. S/o Late Bhujangashetty is enlarged on bail on executing his personal bond for a sum of Rs.50,000/- with one surety for the like sum with following conditions :

- 1) Accused No.2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case,

so as to dissuade him/her from disclosing such facts to the Court.

2) He shall appear before the Court regularly.

3) He shall not commit similar offences.

Violation of any of the above conditions, would entail cancellation of bail.

(Dictated to the Stenographer directly on computer, typed script, corrected, signed and then pronounced by me in open Court on this the 5th day of February 2026)

(D.Puttaswamy)
I Addl. District & Sessions Judge,
Mysuru