

KAMS010087582025



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

Dated this the 6th day of January, 2026

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

: SC/233/2025 :

Complainant

State by Bannur Police Station.

V/s.

Accused :

A2.

Srinivasa @ Seena @ Kulla S/o
Kumar, aged about 21 years. R/o
Megalakeri, Near Bank,
Mellahalli Village, Varuna Hobli,
Mysuru Taluk/District.

(By Sri Sunil Kumar G.A., Adv.)

:: ORDER ON APPLICATION U/S.483 BNSS,
2023 ::

The above bail petition is filed on behalf of accused
No.2 under Section 483 of Bharatiya Nagarik Suraksha

Sanhita, 2023 seeking bail on the ground that he is innocent and has not committed any offences.

2. The facts of the bail application is that based on the complaint lodged by one Adarsha @ Adi, the complainant police have registered a case against accused persons for the offences punishable U/s.189(2),189(4), 191(2), 191(3), 126(2), 109 & 190 of Bharatiya Nyaya Sanhita. The accused No.2 is arrested on 05.07.2025 and he is in J.C. After completion of investigation, the respondent police have filed charge sheet against the accused No.2 along with other accused persons. The accused No.1 already released on bail as per the order of this Court dt:29.12.2025, on parity ground this accused is also entitled for bail. If he is kept in judicial custody, greater hardship will be caused to him and his family members. He is ready to abide by the conditions that may be imposed by this Court for releasing him on bail and ready to furnish surety to the satisfaction of this Court and accordingly, it is prayed to allow the bail application.

3. The Learned Public Prosecutor after receipt of copy of the bail application has filed objections narrating

complaint averments and contended that the offence committed by the accused U/s.109 of BNS is punishable with imprisonment for 10 years along with fine and hence, at this stage, the bail application is not sustainable. The accused No.3 to 5 were arrested and from their custody the I.O. has seized motorcycles bearing No.KA 55 EB 7177 & KA 55 Y 9564 and from the custody of accused No.1 and 2, the I.O. has seized motor cycle bearing No.KA 09 JE 0210 and Dio Scooter bearing No.KA 55 EB 7595 along with kinfe, long and rod under mahazar. After completion of investigation, I.O. has filed charge sheet against accused No.1 to 9. As per the decision of the Hon'ble Apex Court reported in 2011(3) SCC (Crl.) 765, the accused No.2 is not entitled for bail. In the case of heinous offence, if accused No.2 is released on bail, he may tamper with the prosecution witnesses and flee from justice and may cause hindrance to the trial. The grounds urged in the bail application are far away from truth. Earlier the accused No.2 filed bail petition in Crl.Misc.1046/2025 seeking regular bail, which was dismissed by this Court as per order dt:22.07.2025 and accordingly, it is prayed to dismiss the bail application.

4. Heard the arguments on both sides.

5. In view of the above, the points that arise for my consideration are:

1. Whether the bail application filed on behalf of accused No.2 under Section 483 of BNSS, 2023 deserves to be allowed?

2. What order?

6. My findings on the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** The above bail application is filed on behalf of accused No.2 seeking regular bail.

8. The Learned Counsel for accused No.2 argued that accused No.2 has not committed any offences as alleged. The accused No.2 is the only earning member in the family and if he is detained in judicial custody, his family members will put to greater hardship. The accused No.2 will

co-operate and appear before the Court on all the dates of hearing and accordingly, prayed to allow the application.

9. Per contra the Learned Public Prosecutor argued that there is prima facie case against the accused No.2. The offences alleged against the accused No.2 are non-bailable and they are punishable with imprisonment along with fine and triable by the Court of Sessions. If the accused No.2 is released on bail, he may again flee from justice and therefore, prayed to reject the application.

10. I have perused the case papers. According to prosecution, about 4 - 5 days back from the date of alleged incident, when the accused No.1 was drinking alcohol in a Car at Hunuganahalli Village, one small boy had seen the same by peeping, accused No.1 abused him in filthy language, due to which, there was quarrel taken place between the villagers of Hunuganahalli and accused No.1. Having said grudge, on 29.06.2025 at about 8.45 p.m. when CW1 and CW2 were sitting in front of shop of CW2 at Hunuganahalli Village, which comes within the jurisdiction of Bannur Police Station, accused No.1 to 9 by forming themselves into unlawful

assembly, came there in 4 motorcycles bearing No.KA 55 EB 7177, KA 55 Y 9561, KA 55 U 2797 and KA 55 EB 7595 from the side of Shivapura by shouting, accused No.1 was having knife, accused No.2 was having rod and accused No.3 was having long with an intention to kill the villager of Hunuganahalli and when they were coming towards CW1 & 2, CW2 shouted at CW1 to escape from them. CW1 ran away behind the house of CW2, CW2 caught hold by the accused persons in front of his house near gravel stock, accused No.1 to 9 with common object to kill CW2, encircled him and wrongfully restrained him from moving further, accused No.3 caught hold CW2, accused No.1 pricked CW2, 4 - 5 times with knife on his chest with an intention to kill him and caused murderous assault on him, CW2 sustained grievous injury, accused No.2 tried to assault CW2 on his head with long, when he came across, he sustained injury to his rear portion of left side head. CW1 took CW2 to Bannur hospital and then to Cauvery hospital, Mysuru for treatment. Thereby all the accused persons have committed the offences punishable U/s.189(2),189(4), 191(2), 191(3), 126, 109 R/w.Sec.190 of Bharatiya Nyaya Sanhita.

11. On perusal of records, it is seen that the accused No.3 to 5 are released on bail on 20.12.2025, as per the order of the Hon'ble High Court of Karnataka, Bengaluru passed in CrI.P.No.11900/2025 dt:03.09.2025 and accused No.1 is also released on bail as per the order dt:29.12.2025.

12. It is settled law that bail is a rule, rejection is an exception. The liberty of a person cannot be curtailed by putting him behind the bars. Mere granting of bail does not amount to acquittal and rejection does not amount to conviction.

13. Admittedly, the offences alleged against the accused No.2 are non-bailable in nature and triable by this Court. However, the investigation is already completed and the matter is pending for trial. The allegation made against the accused No.2 is that he has assaulted the injured with rod and the injured has sustained injury. Further more, the injured is discharged from the hospital. The Learned Counsel for accused No.2 submitted that the accused No.1 is already released on bail, on parity ground the accused No.2 may be released on bail and if bail is granted, the accused

No.2 would appear before this Court regularly. Taking note of the aforesaid facts and circumstances and the fact that the accused No.1 is released on bail, I am of the opinion that if the bail application filed on behalf of the accused No.2 is allowed by imposing stringent conditions, it will meet the ends of justice. In the result, I answer point No.1 in the **Affirmative.**

14. **Point No.2:** In view of my findings on the above Point No.1, I proceed to pass the following:

ORDER

The Bail application filed on behalf of the accused No.2 is hereby allowed.

The accused No.2 is ordered to be enlarged on bail on his executing personal bond in a sum of Rs.1,00,000/- together with two sureties for the like sum on the 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 and shall not involve in any other criminal cases.

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

[Dictated to the Stenographer on Computer, corrected and then pronounced by me in the Open Court on this the 6th day of January 2026]

[D.Puttaswamy]

I Addl. Dist. & Sessions Judge
Mysuru.