

KAMS320003992026



**IN THE COURT OF THE VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR**

Dated this the 5th day of June 2026

-: P R E S E N T :-

Sri.T.GOVINDAIAH

B.Com., LL.B.,
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

Crl.Mis.No.5150/2026

PETITIONERS :

1. Suresha
S/o Late Subbegowda
Aged about 50 years

2. Ambika
W/o Suresha
Aged about 45 years

Both are R/at Kamagowdanahalli
Bore Village,
Hanagodu Hobli,
Hunsur Taluk,
Mysuru District.

(By Sri.D.P.Mahadeva., Advocate)

- Vs -

RESPONDENT: **State of Karnataka by**
 Hunsur Rural Police Station,
 Hunsur Taluk,
 Mysuru Dist.

(Rep. By **Public Prosecutor**)

ORDER ON BAIL APPLICATION FILED U/S.483 OF B.N.S.S.

The petitioners/accused no.1 and 2 have filed the present petition U/S 483 B.N.S.S. for seeking regular bail in Cr.No.259/2026 of Hunsur Rural Police station for the offences punishable u/sec. 126(2), 109, 54, 61(2), 352 r/w sec.3(5) of BNS 2023.

2. The case of the prosecution in brief is as under:

The complainant has lodged the complaint against the accused for the offences punishable u/sec. 126(2), 109, 54, 61(2), 352 r/w sec.3(5) of BNS 2023.

That on 18.05.2026 at about 11.00 a.m., complainant, his wife and one Ravi are ploughing the land, the petitioners having common intention started quarrel with them. In that quarrel, petitioners illegally restrained the complainant. Petitioner no.1 gave instigation to petitioner no.2 for assault with chopper. Petitioner

no.2 assaulted chopper on the left leg and caused bleeding injury. When the wife of complainant trying to rescue him, petitioner no.2 also assaulted with chopper on her right hand and tried to kill them by using chopper and caused injury. Petitioners have abused in filthy language. Thereafter, the complainant has lodged the complaint against the accused. On the basis of the said complaint, crime came to be registered against the accused in Cr.No.259/2026 for the offences punishable u/sec. 126(2), 109, 54, 61(2), 352 r/w sec.3(5) of BNS 2023.

3. The Investigation Officer started investigation, during which, the present petitioners/Accused have filed the present application for seeking regular bail contending that, they are law abiding citizens and innocents. These petitioners have no bad antecedents. These petitioners have not committed any offences as alleged by the complainant. Without proper investigation, they have been falsely implicated by the Respondent/police just to harass them. They are the only bread earning members in the family. These petitioners are agriculturist. They have to maintain their old aged parents who are suffering from old age ailments.

They are in no way connected to the alleged incident. They hail from respectable family and is having deep roots in the society. They are permanent resident of address as indicated in the cause title of the petition. These petitioners are ready to co-operate to the Investigation and they are ready to furnish surety and also they are ready to abide by all conditions which may be imposed by this court. Hence, pray for allowing the application.

4. On the other hand, the Learned Public Prosecutor has filed his objection to the present application, wherein Learned Public Prosecutor contended that, these petitioners/accused are not entitled for bail. These petitioners/accused had committed the non-bailable offences. The alleged offences are exclusively triable by the Sessions Court. The alleged offence u/sec.109(1) of B.N.S.2023 is punishable with imprisonment upto 10 years. The wound certificate of injured has to be obtained. The sketch map of spot of incident has to be collected from PWD department. Seized material objects have to be sent to F.S.L. department for examination to obtain the report. The property has to be sent to Doctor for examination to get further opinion. The statements of

witnesses have to be recorded. Still some more evidence has to be collected and relevant documents have to be obtained. If the bail is granted to the petitioners, they may tamper with the prosecution witnesses and that apart they may abscond from the jurisdiction. Therefore, the process of Investigation will be hampered. Further investigation is going on. If the bail is granted to the petitioners, they may not co-operate with the Investigation Officer. These petitioners are required for investigation. Hence, prays for rejecting the bail application.

5. Heard arguments of both the sides.

6. The following points that would arise for my consideration are :

1. Whether the petitioners/accused no.1 and 2 have made out grounds to allow the present bail application and they are entitled for regular bail ?
2. What Order?

7. 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

8. Point No.1:- On perusal of the prosecution papers, it is clear that, the complainant has lodged the complaint against the accused alleging that, accused have committed the offences punishable u/sec. 126(2), 109, 54, 61(2), 352 r/w sec.3(5) of BNS 2023. The investigation is going on. Further, the alleged offences are not punishable with death sentence.

9. It is pertinent to note that, there is no necessity to recover any property from these petitioners. The allegations of complaint have to be proved during trial. Under such circumstances, in order to safeguard the personal liberty of the petitioners, it is just and proper to release them on regular bail. These petitioners/accused are ready to abide by all the conditions which may be imposed by this court and they are also ready and willing to furnish surety to the satisfaction of the court. In order to

safeguard the interest of prosecution, it is necessary to impose stringent conditions. Under such circumstances, this court is of the view that, it is necessary to grant regular bail by imposing necessary conditions. **Accordingly, this court answered Point No.1 'in the Affirmative'.**

10. Point No.2:- In view of my findings on the above point, bail petition filed U/S 483 of B.N.S.S deserves to be allowed. Hence, I proceed to pass the following:

:: ORDER ::

Bail petition filed by petitioners/accused no.1 and 2 under Sec.483 of B.N.S.S is allowed.

Respondent police are hereby directed to enlarge the petitioners/accused no.1 and 2 on bail in the event of their arrest in Cr.No.259/2026 of Hunsur Rural Police station, pending on the file of concerned jurisdictional Magistrate for the offences punishable u/sec. 126(2), 109, 54, 61(2), 352 r/w sec.3(5) of BNS 2023, on their executing personal bond for a sum of Rs.50,000/- each with one surety for the likesum on following conditions:

1. Petitioners/accused no.1 and 2 shall co-operate with Investigation Officer for further process of investigation.
2. Petitioners/accused no.1 and 2 shall not tamper with prosecution witnesses in any manner.
3. Petitioner/accused no.1 shall mark his attendance before PSI, Hunsur Rural P.S., on every Sunday between 9.00 a.m. and 5.00 p.m. for 2 months or till filing of final report, whichever is earlier.
4. Petitioners/accused no.1 and 2 shall appear before the learned Magistrate and file necessary application for grant of Regular bail within one month from the date of this order.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the open court on this the 5th day of June 2026)

(T.GOVINDAIAH)

VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR