

KAMS320002022026



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

Dated this the 17th day of March 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.5065/2026

PETITIONERS :

- 1. Swamy @ Swamygowda**
S/o Late Honnegowda
Aged about 60 years
R/at Kallikoppalu Village,
Gavadagere Hobli,
Hunsur Taluk,
Mysuru District.
- 2. Raghu @ Raghavendra**
S/o Swamy @ Swamygowda
Aged about 26 years
R/at Kallikoppalu Village,
Gavadagere Hobli,
Hunsur Taluk,
Mysuru District.
- 3. Girijamma**
W/o Swamy @ Swamygowda
Aged about 52 years

R/at Kallikoppalu Village,
Gavadagere Hobli,
Hunsur Taluk,
Mysuru District.

(By Sri.Karunakaran L.V., 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 482 OF B.N.S.S

The petitioners/accused nos.1 to 3 have filed the present petition U/S 482 of B.N.S.S for seeking anticipatory bail in Cr.No.287/2025 of Hunsur Rural P.S. for the offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023 pending on the file of Prl.Civil Judge and JMFC, Hunsur in CC.No.1720/2025.

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

The complainant has lodged the complaint against the petitioners/accused nos.1 to 3 for the offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023.

That on 29.06.2025 at about 4.10 p.m., CW.2 pluck the unwanted waste from his land and he put the same on the bund. At that time, accused having common intention started quarrel with CW.2. In that quarrel, accused no.1 abused in filthy language and he hold the shirt collar of CW.2 and assaulted with hand. Further, accused no.2 assaulted with club on CW.2 on his back and other parts of the body. Accused no.3 also abused in filthy language and gave threat to his life. Accordingly, accused have committed the aforesaid offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023. Thereafter, the complainant has lodged the complaint before the Hunsur Rural Police station. On the basis of the said complaint, crime came to be registered against the accused in Cr.No.287/2025 for the offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023.

3. The Investigation Officer completed the investigation and filed the charge-sheet. The petitioners/Accused have filed the present application for seeking anticipatory 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. These petitioners hail from respectable family and they are having deep roots in the society. The complainant has foisted a false case against these petitioners just to harass them. They have been falsely implicated by the respondent/police in this crime. Petitioners have lodged a complaint against complainant, which matter is pending in CC 1720/2025 on the file of Prl.Civil Judge and JMFC, Hunsur. Since already charge-sheet has been filed against these petitioners, interrogations of these petitioners by the Investigation Officer is not required. They have to maintain their old aged parents and small children. They are the only earning members in the family. They are having movable and immovable properties. If they are not released on bail, their family will be put to great hardship. These petitioners are ready to furnish surety and also they are ready to abide by all conditions which may be imposed by this court. Hence, they 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, the petitioners/accused are not entitled for bail. They had committed the non-bailable offences. The alleged offence u/sec.118(1) of B.N.S.2023 is punishable with imprisonment which may extend to 3 years and fine. Since the date of registration of crime, these petitioners/accused are absconding. If the bail is granted to the petitioners, they may tamper with the prosecution witnesses and that apart they may abscond from the jurisdiction. Charge-sheet has been filed. Hence, he 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 nos.1 to 3 have made out grounds to allow the present bail application and they are entitled for anticipatory 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, the accused have committed the offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023 pending on the file of Prl.Civil Judge and JMFC, Hunsur in CC.No.1720/2025.

9. It is pertinent to note that, there is no necessity to recover any property from these petitioners. Further, the alleged offences are not punishable with imprisonment for life or death sentence. More-over, Investigation is completed and charge-sheet has been filed, in which case, custodial interrogations of these petitioners/accused by Investigation Officer is not required. The allegations of charge-sheet are to be proved by prosecution during trial.

10. Under such circumstances, in order to safeguard the personal liberty of the petitioners/accused, it is just and proper to release them on anticipatory 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 anticipatory bail by imposing necessary conditions.

Accordingly, this court answered Point No.1 'in the Affirmative'.

11. Point No.2:- In view of my findings on the above point, bail petition filed U/S 482 of B.N.S.S deserves to be allowed. Hence, I proceed to pass the following:

:: ORDER ::

Bail petition filed by petitioners/
Accused nos.1 to 3 under Sec.482 of BNSS,
is allowed.

Petitioners/Accused are ordered to
be enlarged on bail in the event of their
arrest by Respondent-Police in

Cr.No.287/2025 i.e., in CC No.1720/2025 pending on the file of Concerned Jurisdictional Magistrate for the offences punishable u/sec.352, 126(2), 115(2), 118(1), 351(2) r/w sec.3(5) of BNS 2023 on executing their personal bond for a sum of Rs.50,000/- each with one surety for the likesum, on following conditions:

1. Petitioners/accused nos.1 to 3 shall appear before the Trial court regularly.
2. Petitioners/accused nos.1 to 3 shall appear before the learned Magistrate and file necessary application for grant of Regular bail within one month from the date of this order.
3. Petitioners/accused nos.1 to 3 shall not tamper with the prosecution witnesses and shall not commit similar offences in future.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the open court on this the 17th day of March 2026)

(T.GOVINDAIAH)

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