



**IN THE COURT OF THE I ADDL. DISTRICT & SESSIONS JUDGE,
RAMANAGARA**

PRESENT:

**Smt. M. Panchakshari, M.Com.,LL.B.,
I Addl. Dist. & Sessions Judge, Ramanagara.**

Dated this the 24th day of June, 2026

Crl.Misc.No.382/2026

petitioners/

Accused

- No's.1 & 2 :**
1. Hanumanthegowda P.N.,
S/o. Nanjegowda P.M.,
Aged about 52 years,
R/at: No.18, Thippasandra Hobli,
Palyadahalli, Biskur,
Magadi Taluk, Ramanagara,
Bengaluru South District-562131.
 2. P.H. Tilak,
S/o.Hanumanthegowda P.N.,
Aged about 18 years,
R/at: No.18, Thippasandra Hobli,
Palyadahalli, Biskur,
Magadi Taluk, Ramanagara,
Bengaluru South District-562131.

(By Sri.P.D., Advocate)

Vs.

Respondent : The State of Karnataka
by Kudur Police Station,.

(By learned Public Prosecutor)



O R D E R

The petitioners/accused No.1 & 2 have filed this petition U/Sec.482 of BNSS-2023, praying to grant bail in connection to Cr.No.156/2026 of Kudur Police Station, registered against the petitioners for the offences punishable under Secs.329(3), 115(2), 118(1), 109, 352 & 351(2) R/w.Sec.3(5) of BNS-2023.

2. The petitioners had sought for bail on the ground that, they have not committed any such offence and they had been falsely implicated in the case and they are innocent persons. They are the permanent residents of the address mentioned in the cause title, so there is no chance of absconding or avoiding the trial. They are ready and willing to abide by any conditions that would be imposed by the court and offer surety to the satisfaction of the court. Pleading false implication the petitioners had prayed to release them on bail.

3. The Learned Public Prosecutor has filed the objections by reiterating the allegations in the first information report and contended that, there are sufficient materials to make out the commission of the alleged offence by the petitioners so, if the they are released on bail, there are chances of they permanently



absconding from the process of court and also committing similar offence. There are also chances of jumping the bail conditions and tampering the prosecution witnesses and it may severely affect the progress of the trial. Hence, prayed for rejection of the petition.

4. I have heard the arguments of the Learned counsel for the petitioners and the Learned Public Prosecutor and perused the records.

5. The following points arise for court consideration;

1) Whether the petitioners/accused No.1 & 2 has made out sufficient grounds to exercise discretion under section 482 of BNSS, to grant anticipatory bail in their favour?

2) What order?

6. The findings of this court on the above points are as under;

Point No.1:- In the Affirmative.

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



REASONS

7. **Point No.1:-** On going through the documents produced by the petitioners, it clearly shows that the respondent police have registered the case against the petitioners for the offence punishable under Secs.329(3), 115(2), 118(1), 109, 352 & 351(2) R/w.Sec.3(5) of BNS-2023. and the respondent police had taken up the matter for investigation.

Brief summary of the case is that, the complainant's father P.A.Maregowda had two wives namely Doddalakshamma and chikkalakshamma. The complainant is the 2nd wife's son and the accused is the son of Nanjegowda who is the son of 1st wife of his father P.A.Maregowda. A long standing civil dispute exists between the parties concerning partition and separate possession of ancestral properties. The complainant and his sisters had filed a suit for partition before the Magadi Civil Court and the said suit is decreed before the Hon'ble High Court of Karnataka by granting 1/11th share in the ancestral properties to the complainant and his sisters. The complainant's brother P.M.Nanjegowda was illegally cutting the trees in the suit schedule properties so, FDP No.14/2019 having filed before the Addl. Senior Civil Judge, Magadi. On 30.06.2020 the Court had granted injunction restraining



the brother of the complainant P.M.Nanjegowda from cutting trees in the suit schedule properties as per order dated:30.06.2020. But in spite of the said orders the brother of the complainant P.M., Nanjegowda and his sons P.N.Hanumanthegowda and P.N.Hanumanthegowda's son Tilak P.H. and another son P.N.Ramegowda are creating problem by cutting the trees in the suit schedule property. On 21.05.2026 at about 07.00 a.m., when the wife of complainant went to Sy.No.12/1 the accused persons along with 5 to 6 other workers illegally trespassed into the Nilgiri Land and started cutting Nilgiri trees. When the said act was questioned by the complainant they abused him in filthy language and assaulted him on his head with hands and gave life threat.

8. On perusal of case papers and the document produced based on the contention it makes out that, complainant is the son of the 2nd wife and accused is the grandson of 1st wife i.e., the son of Nanjegoda. Petitioner and his sisters had filed civil suit before Magadi Civil Judge in connection to the ancestral property and the said suit has been finally disposed of before the Hon'ble High Court of Karnataka by allotting 1/11th share in O.S.No.241/2017. Now FDP No.14/2019 is filed for bifurcation of the share.



9. As per the contention of the Learned Public Prosecutor in the objection, there is temporary injunction ordered dated:30.06.2020, thereafter the father of the accused had filed an application seeking permission for cutting Eucalyptus Trees which came to be dismissed as per the order dated:17.07.2025. In spite of injunction order the accused persons along with 5 to 6 labourers were cutting the Eucalyptus Trees in Survey No.12/1 and when it has been questioned by the complainant, the alleged incident had taken place. In connection to the incident the complainant having informed by calling 112 and when the police came to the spot and when police were examining one of the police official who had picked the machete found at the spot. The petitioner snatched the said machete from the hands of ASI and assaulted the complainant. The learned Public Prosecutor had mentioned in the objections in connection to pending of other criminal cases against the petitioners.

10. It is the contention of the petitioners that, no such incident had taken place and petitioners have not illegally trespassed and cut any of the trees. Even they have not caused any hurt to the complainant by using any dangerous weapon, even they have not used any abusive words. The petitioners had no intention to kill the complainant. Petitioner No.2 is the son of petitioner



No.1 and his name is falsely implicated in the complaint only with an intention to harass the petitioner No.1 and his family members. There is dispute with regard to the partial partition of the joint family property between the petitioners and the complainant. Complainant is the step-brother of the petitioner No.1's father, P.M. Nanjegowda. Petitioner No.1 had filed a complaint against the complainant on 26.12.2025 before the Kudur Police Station for cutting the Nilgiri trees in the suit schedule property by violating the injunction order passed in the said case. The said complaint is registered in GSC No.PO0276250600452 even thereafter, the complainant continued to cut the Nilgiri trees, damaging the neighboring Land in Survey No.14/6 so, in this respect Sri.Muddaveeraiah had lodged a complaint against Hanumantharayappa i.e., the complainant herein before the Kudur Police on 10.03.2026 which is registered in GSC No.PO0276260600164. Petitioner No.1 had also filed a complaint against the complainant and others before the Kudur Police Station for the offence punishable under Sections 329(3), 115(2), 118(1), 351(2) R/w.Sec.3(5) of BNS. So, the dispute between the petitioners and the complainant is purely civil in nature in regard to division of the immovable ancestral property. The complainant having a grudge against the petitioners as petitioner No.1 had secured the post of



Vice President of BJP party of Thippasandra Constituency to spoil the Political career of petitioner No.1, now the present complaint is lodged with the supporters of Congress party by influence of the police. It is also the contention of the petitioners that, if at all the petitioner No.1 had tried to take away the life of the complainant in front of the police, the police would have arrested him at the spot. Though, no any such incident had taken place the complainant being the Congress Party worker with the influence of the political party got a false case registered against the petitioners.

11. The petitioners had produced the document in connection to the civil suit and also the police endorsement in connection to GSC petitions registered. The relationship is not disputed and the pendency of the civil matter clearly makes out that there is dispute between the parties with regard to the ancestral property.

12. The petitioners had relied on the below referred case laws:

1) Gurbaksh Singh Sibbia Etc., Vs. State of Punjab dated:09.04.1980.



2) Criminal Appeal No.592/2012 (Arising out of SLP (Crl.) No.7644/2011 dated:30.03.2012 (Shobhan Singh Khanka Vs. State of Jharkhand).

13. This court having gone through the above referred case law the findings in **Gurbaksh Singh Sibbia Etc., Vs. State of Punjab** is applicable to the case on hand, merely because some other cases are registered against the petitioners it cannot be considered as a sole ground to reject the bail prayer as the petitioners anticipates their arrest in view of the case having registered for the offences which are non-bailable in nature. Though, the offence under Section 109 of BNS is alleged in this case, when the allegations are taken into consideration, it does not makes out any intention of the petitioners to commit the alleged offence. The prosecution has not produced any wound certificate to make out what kind of injury is sustained.

14. The Learned Public Prosecutor had relied on the case Criminal Appeal No...../2026 (@Petition for Special Leave to Appeal (Crl.) No.5309/2026) Sharad Sehgal Vs. State of Uttar Pradesh & Anr.,

15. Case Law Criminal Appeal No...../2026 wherein it is observed with regard to the orders of the Hon'ble High Court in granting anticipatory bail against



whom there are 22 FIR's registered for different offences and who is in judicial custody in some other crime. The Hon'ble Court had taken into consideration the criminal antecedents of respondent No.2 therein so, by relying on this judgment the Learned Public Prosecutor had submitted in the arguments that even in this case 6 criminal cases are registered against the petitioner so, seriously opposed the grant of pre-arrest bail.

16. At this juncture this court would like to rely on the judgment reported in **Mohammad Azan Khan Vs. State of Uttar Pradesh and Another**, order dated:16.02.2024 the **Hon'ble Supreme Court of India** had observed ***"merely on the basis of criminal antecedents the bail cannot be rejected. It is the duty of the court to find out the role of the accused in the case in which he has been charged and other circumstance such as possibility of fleeing away from jurisdiction of the court etc.,"***.

Here in this case the alleged incident is said to have taken place in connection to the property dispute between the children of 1st and 2nd wife. Civil suit is still pending adjudication for allocation of share by way of final decree. So to whose share which property will be allotted is yet to be decided. The petitioners are the



residents of Magadi Taluk, Ramanagara District and they claim innocence of the offence alleged against them and also contended that, they have been falsely implicated in the case so, based on the false implication, now they apprehend their arrest as the offence alleged are non-bailable in nature. On the other hand, the petitioner had also lodged the complaint against the complainant herein before the same police station i.e., Kudur Police Station, which is registered in Crime No.79/2026. So, considering the civil dispute between the parties and also their relationship, as the petitioners are undertaken to abide by any condition that would be imposed by this Court and also offer surety to secure their presence. Except the offence under Section 109 & 118(1) of BNS, the rest of the offences are bailable in nature, which are triable before the court of before Judicial Magistrate First Class. Hence, taking into consideration the relationship of the parties and the place of residence and also their undertaking, this Court is of the opinion that if stringent conditions are imposed, it will meet the objections raised by the Public Prosecutor. In the circumstance, I hold the above point in **Affirmative**.

15. **Point No.2:-** In view of the discussions made supra, this court proceeds to pass the following;



ORDER

The bail petition filed by the petitioners/accused No.1 & 2 under section 482 of BNSS-2023, is hereby allowed.

The jurisdictional police are directed to release the petitioners/accused No.1 & 2 in case of their arrest in Cr.No.156/2026 of Kudur Police station, on executing their personal bail bonds for a sum of **Rs.1,00,000/- each with two sureties** for like sum to the satisfaction of IO/concerned court, subject to the following;

CONDITIONS

1) The petitioners/accused No.1 & 2 shall appear before the concerned Magistrate within 15 days from the date of this order to move regular bail petition.

2) The petitioners/accused No.1 & 2 shall appear before the IO on every 1st & 3rd Thursday of the month between 02.00 to 05.00 p.m., till filing of charge sheet and co-operate for investigation.

3) The petitioners/accused No.1 & 2 shall furnish their Aadhaar Cards/Election ID cards for their permanent address proof.

4) The petitioners/accused No.1 & 2 shall appear before the court on all dates of



hearing and co-operate for early disposal of the trial.

5) The petitioners/accused No.1 & 2 shall not threaten or entice the complainant and other prosecution witnesses.

6) The petitioners/accused No.1 & 2 shall not involve in any offence or similar offence pending disposal of this case.

7) The petitioners/accused No.1 & 2 shall not change the abode without prior permission of the Court.

(Dictated through Adalath AI, thereafter transcribed by Steno Grade-III and after corrections signed and then pronounced by me in the open court on this the 24th day of June, 2026).

(M. Panchakshari)
I Addl. District & Sessions Judge,
Spl. Judge, Ramanagara.