

KARN300000932026



**IN THE COURT OF THE II ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, BENGALURU SOUTH DISTRICT, SIT  
AT KANAKAPURA.**

Dated this the 28<sup>th</sup> day of March 2026

**Present**

SRI. KUMAR.H.N., B.A.L., LL.B.,  
II Addl. District & Sessions Judge,  
Bengaluru South District, sit at Kanakapura.

**CRL.MISC.No.5055/2026**

<b>Petitioners :</b>	1	Sri. Vinod Aged about 33 years, S/o Ganapati Gondakar, R/at Doddasadenahalli Village, Maralavadi Hobli, Harohalli Taluk, Ramanagara District. (Accused No.1)
	2	Sri. Shivu Aged about 40 years, S/o Shivananjayya, R/at Hosagabbadi Kaggala Halli Post, Kanakapura Taluk, Harohalli, Ramanagara. (Accused No.2) <b>(By Smt. R.K.Ankalagi, Advocate)</b>
	<b>V/s</b>	

<b>Respondent :</b>	The State of Karnataka, By Harohalli Police, Kanakapura taluk, Bengaluru South District. Rep. by Public Prosecutor, District court, Kanakapura. <b>(By the Public Prosecutor)</b>
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**Orders on Application filed U/s 482 of BNSS-2023**

1. The petitioners who are arraigned as Accused No.1 and 2 have filed this petition U/sec.482 of BNSS-2023, seeking anticipatory bail in Cr.No.333/2025 of Respondent Harohalli Police Station for the offences punishable U/sec.74, 115(2), 118(1), 85, 352, 351(2), 351(3) r/w 3(5) of BNS-2023.

2. Briefly stated the petition averments are to the following effect:

a) On the basis of the complaint given by Smt. Parvathamma, the respondent Harohalli Police have registered the case in Cr.No.333/2025 against the petitioners for the offence punishable U/sec.74, 115(2), 118(1), 85, 352, 351(2), 351(3) r/w 3(5) of BNS-2023.

b) In the petition averred that, on 09.12.2025 at about 4.30 pm., the informant appeared before

the respondent police and complains that, the petitioner No.1 being the son in law of the informant and ill-treating the daughter of the informant under the influence of intoxication and also putting life threat to her. That on 07.12.2025 at about 1.30 pm., the petitioners came near the residence of the informant and uttering loud noise under the influence of intoxication. Further it is also reveals that, the informant is under the pretext that, the petitioners might have causing trouble to her husband, for which the informant came out of from her residence and at that time the petitioners have dragged the informant and assaulted her by clubs and stone over her head and trunk portion of the body and cause blood injury and also put a life threat. Further it is also reveals that, an account of screaming noise of the informant, the petitioners were fled from the place of seen of occurrence and after getting treatment at Dr. Chandramma Dayananda Sagar Hospital, Harohalli the informant submitted the first information statement.

c) The petitioners pleads that, they are quite innocent and unconcerned to the alleged incident and petitioners have not at all committed any offences what so ever, the respondent deliberately implicated the name of the petitioners. At the instance of the ill will of the inimical ill disposed people.

d) The petitioners are permanent resident address shown in the petition and coming from highly respectable family and never committed any offence as alleged by the prosecution. There is no any material to show the prima-facie case against the petitioners.

e) Further petitioners also submits that the petitioners are ready to abide all conditions that may be imposed by this court. In the event of granting the anticipatory bail. Further also undertake that ready and willing to assist the investigation officer if so required and prays for grant of anticipatory bail.

**3.** The learned public prosecutor filed objection along with IO report dated 18.03.2026 to following effect:

a) The petition is not at all maintainable and grounds urged at the seeking anticipatory bail are not tenable.

b) The Learned Public Prosecutor reiterated the facts of the case found in the complaint and FIR.

c) It is also specific contentions of the learned public prosecutor that, there may be every chance of indulging similar illegal activities. In the event of granting anticipatory bail, there is every like hood of petitioner threatening and tampering the prosecution witnesses and every chance of flee from the investigation and clutches of the law and prays for the rejection of the petition.

4. Heard Arguments from both sides and perused the FIR, complaint and other materials placed on record.

5. Now the points that arise for my consideration as follows;

1.	Do the petitioners/accused No.1 and 2 have made out exceptional circumstances for grant of anticipatory bail in connection with Cr.No.333/2025 of Harohalli police?
2.	What Order?

**6.** My answer to 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:-** Thus the petitioners are seeking anticipatory bail contending that a false case have been foisted against them.

**8.** On the other hand the prosecution has resisted bail petition on the ground that the charges leveled against the petitioners are very grave and their custodial presence is required for the investigation.

**9.** The material available on record it borne that, on 09.12.2025 at about 4.30 pm., the informant appeared before the respondent police and complains that, the petitioner No.1 being the son in law of the informant and ill-treating the daughter of the informant under the influence of intoxication and also putting life threat to her. That on 07.12.2025 at about 1.30 pm., the petitioners came near the residence of the informant and uttering loud noise under the influence of intoxication. Further it is also reveals that, the informant is under the pretext that, the petitioners might have causing trouble to her husband, for which the informant came out of from her residence and at that time the

petitioners have dragged the informant and assaulted her by clubs and stone over her head and trunk portion of the body and cause blood injury and also put a life threat. Further it is also reveals that, an account of screaming noise of the informant, the petitioners were fled from the place of seen of occurrence and after getting treatment at Dr. Chandramma Dayananda Sagar Hospital, Harohalli. Upon first information provided by the informant the respondent police have registered the FIR against the petitioners in Cr.No.333/2025 for the offence punishable UU/sec.74, 115(2), 118(1), 85, 352, 351(2), 351(3) r/w 3(5) of BNS-2023. Under these circumstances the petitioners under reasonable apprehension of arrest from the respondent police filed the present petition for grant of anticipatory bail in connection with aforesaid case.

**10.** During the course of the counsel for the petitioners vehemently argued that, the complainant has filed the false and vexatious complaint against the petitioners. As such there is no any incident took place as alleged by the complainant in the complaint. Further the petitioners are the bread earner and care taker of their family and also law abiding citizens. The petitioners coming from the respectable family and having no antecedents of any indulging any criminal activities and further the petitioners are ready to abide any conditions that may be imposed by the court while granting the anticipatory bail. Counsel for the

petitioners draws the attention of this court the petitioner No.1 had instituted the suit for perpetual injunction in O.S.No.354/2024 on the file of Prl. Civil Judge and JMFC at Kanakapura. Under these circumstances the counsel for the petitioners prays for anticipatory bail to the petitioner by exercising exceptional circumstances as laid down under section 482 of BNSS-2023.

**11.** In contra the learned Public Prosecutor vehemently argued that the allegation leveled against the petitioners are very grave and non bailable in nature. The custodial presence is very much required for the purpose of investigation. The statement of the witnesses is yet to be recorded and investigation is under progress by posing afore said reason prays for reject the bail application.

**12.** It appears from due to civil dispute between the petitioners and complainant has led to the complainant filing the complaint. As held by the Hon'ble Supreme court in the case of **Arnesh Kumar Vs. State of Bihar & Others (AIR 2014 SC 2756)** especially, when their custodial presence is not required for the purpose of investigation.

**13.** From considering the material available on record there is a prima-facie case made out by the petitioners to exercise the exceptional circumstances to grant the relief prayed in the

application U/sec.482 of BNSS-2023. Considering the facts and circumstances of the case this court is inclined to grant the anticipatory bail to petitioners.

**14.** Taking into consideration these aspects, without expressing any merits of the case this court holds that petitioners are entitled for anticipatory bail and accordingly. Point No.(i) is answered in the **Affirmative**.

**15. Point No.(ii):** in view of my findings on point No.(i), this court proceeds to pass the following;

### **ORDER**

The bail petition filed by the petitioners/accused No.1 and 2 U/sec.482 of BNSS-2023, is hereby allowed.

In the event of his arrest, the petitioners shall be released on bail in Cr.No.333/2025 of Respondent Harohalli Police with the following conditions;

**1.** The petitioners/accused No.1 and 2 shall execute personal bond for Rs.50,000/-

with one surety for like sum to the satisfaction of the court.

2. The petitioners/accused No.1 and 2 shall not threaten or tamper with the prosecution witness nor shall they abscond.

3. The petitioners/accused No.1 and 2 shall co-operate with the investigation.

4. The petitioners/accused No.1 and 2 shall not involve in any similar criminal activities. **(the condition No.4 is sine-qua-non of this order, in case the petitioner found in any criminal case, the police have liberty to move an application for cancellation bail in accordance with law).**

5. The petitioners/accused No.1 and 2 shall intimate change of their address, if

any, either to the police concerned or court as the case may be.

**6.** The petitioners/accused No.1 and 2 shall mark his attendance before the respondent Harohalli Police, on every alternative Sunday commencing from 05.04.2026 to 24.05.2026 between 10.00 a.m. to 12.00 p.m for a period of 08 weeks or till filing of the final report, whichever is earlier.

(Typed to my dictation on computer by the Typist and print out taken by him, then corrected and pronounced by me in the Open court on this the 28<sup>th</sup> day of March 2026)

**(KUMAR.H.N)**

II Addl. District & Sessions Judge,  
Bengaluru South District, sit at Kanakapura.



Order pronounced in open court  
vide separate order

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