

KASM600003452026



**IN THE COURT OF V ADDL. DISTRICT &
SESSIONS JUDGE, SHIVAMOGGA,
(SITTING AT SAGAR)**

PRESENT **Sri. Ravindra R. B.A.L., LL.M.**
V Addl. District & Sessions Judge,
Shivamogga. (Sitting at Sagar).

Dated this the 27th day of June, 2026

Crl.Misc.No.10152/2026

PETITIONER/S: Mohammed Asif,
S/o Anwar,
Aged about 39 years,
Auto Driver,
R/at Chowdikatte,
4th cross,
S.N. Nagara,
Sagara Town,
Shivamogga District.
[represented by–
Sri.Mukter Ali Baig - Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Sub Inspector
Sagar Town Police Station,
Sagar.
[represented by:
Public Prosecutor]

ORDER

This petition is filed by the petitioner under Section 483 of BNSS seeking his release on bail in Crime No.0087/2026 registered by the respondent-Police for the offences punishable under Sections 115(2), 118(1), 127(2), and 109(1) r/w/Sec.190 of BNS,2023.

2. Brief facts that led to this petition are under:

One Madhukesh S/o Mohana, lodged first information before the respondent police that, on 22.04.2026, there was a birthday party of his friend Naresh. After celebrating the birthday, he and his friends decided to give the left over food to the workers in the Sai International Hotel. Accordingly, he and his friends came to the said hotel and gave the left over food to the workers of the said hotel. After giving the food, they came out of the hotel and his friend Sunil got into the car. The accused persons were standing outside the hotel. They came near the Sunil and asked him whether his name is Sunil. When the said Sunil informed them that his name is Sunil, the accused persons picked up a fight with him and assaulted him. Thereafter, Sunil unable to bear the assault, he got down from the car and ran away from the spot. When

he questioned the said persons for assaulting Sunil, the said persons also picked up a fight with him and assaulted him. Further, the said persons dragged him to the Maruti 800 car brought by them and took him to an isolated place near Thyagarthi cross. Some other persons also came to the said spot in 3 bikes. Thereafter, all the accused persons assaulted him with the wooden pieces and beer bottle. Due to the said assault, he sustained injuries on his head, ribs, chest and legs. Further, the said persons also assaulted with the iron rod. Hence, he lodged first information to take action against the accused persons.

3. Now, the petitioner/accused no.7 who is accused of commission of offences alleged, seeking his release on bail, on the following amongst other grounds:

The petitioner is innocent of the offences alleged against him. He has not committed any offences as alleged by the first informant. He has been falsely implicated in the case. He hails from a respectable family and having good reputation in the society. His mother is suffering from health issues and he has to take care of his mother. He has no bad antecedents. He has undertaken to abide any terms and conditions that may be imposed by this court while granting bail. Hence, prayed to allow the petition.

4. The bail petition is opposed by the learned Public Prosecutor by filing objections. It is urged that there is a prima-facie case against the petitioner. If the petitioner is released on bail, there are chances of he threatening the witnesses, destroying evidence, abscond permanently and derail the investigation process. Hence, prayed to reject the petition.

5. Heard both the sides.

6. The following points arise for my determination:

1. Whether the petitioner has made out sufficient grounds for grant of bail?
2. What order?

7. My findings to above points are:

Point No.1: In the Affirmative;

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

REASONS

8. **POINT NO.1**: The petitioner along with petition has produced a certified copy of order sheet in crime no.87/2026, FIR, first information, crime details form, remand application, form no.5, form no.4 and hospital

receipt.

9. The learned counsel for petitioner has urged that the petitioner has not committed any offences as alleged by the prosecution. The petitioner has been falsely implicated in the case. The petitioner is innocent of the alleged offences. On the other hand, the learned P.P. submitted that there is a prima-facie case against petitioner. If he is released on bail, there are chances of petitioner giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process.

10. The allegations made against the petitioner are that, he along with the other accused persons assaulted first informant and the victim by name Sunil and caused injuries to them. It is the contention of the petitioner that, he is innocent of the offences alleged against him and he has not at all committed any offences. He has been falsely implicated in this case.

11. Perusal of the records reveal that name of the petitioner is not mentioned either in the first information or in the FIR. It is the specific contention of the petitioner that he is not involved in the alleged crime and his name has been dragged into this case. However, the allegations made

against the petitioner have to be proved at the full-fledged trial. In the facts made out, the custodial interrogation of petitioner is not required. He has undertaken to abide by any terms and conditions. Considering the gravity of the offences, I am of the opinion that the accused-petitioner is entitled for bail. Apprehension of prosecution can be met by imposing stringent conditions and by obtaining sufficient surety to the satisfaction of the court. Hence, I hold that the petitioner is entitled for an order of bail. Accordingly, point under consideration is answered in **Affirmative**.

12. **POINT No.2:** In view of the above discussions and finding to above point, I proceed to pass the following:

ORDER

The petition filed by petitioner under Section 483 of BNSS is hereby allowed.

Consequently, the petitioner is ordered to be released on bail in Crime No.0087/2026 of Sagar Town Police Station for the offences punishable under Sections 115(2), 118(1), 127(2) and 109(1) r/w/Sec.190 of BNS,2023, on his executing personal bond for Rs.1,00,000/- and with one surety for like sum to the satisfaction of the concerned court on the following conditions:

- 1) The petitioner shall appear before the Investigating officer as and when called upon and extend his fullest co-operation in the investigation.
- 2) He shall not give threat to the first informant and prosecution witnesses in any manner.
- 3) He shall appear before the concerned court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.
- 4) He shall not indulge in similar offences in any manner.

(Typed to my dictation by stenographer directly on Computer, corrected by me and then pronounced in the open Court on this the 27th day of June, 2026)

(Ravindra R.)

V Addl. District & Sessions Judge,
Shivamogga, (Sitting at Sagar)