



**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE TUMAKURU, SITTING AT MADHUGIRI**

DATED THIS THE 04TH DAY OF JUNE 2026

-: PRESENT:-

**SMT. SUMANGALA S BASAVANNOUR, B.COM., L.L.M.,
IV ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU-MADHUGIRI**

Crl.Misc.No.5188/2026

- Petitioners/ : 1. Arun @ Lopi,
S/o Sanjeevaiah,
Aged about 19 years,
R/at Dhanayanayakanapura Village,
Koratagere Taluk,
Tumakuru District.
2. Guruprasad,
S/o Gangadaraiah,
Aged about 19 years,
R/at Hunasavadi Village,
Koratagere Taluk,
Tumakuru District.
3. Satish,
S/o Hanumanthappa,
Aged about 20 years,
R/at Kattanahalli Village,
Bellavi Hobli,
Tumakuru Taluk,
Tumakuru District.

[By -R.R- Advocate]

V/S



Respondent : The State by Koratagere Police Station.

[By Pubic Prosecutor]

**ORDER ON BAIL PETITION FILED BY THE
PETITIONERS/ACCUSED No.3 TO 5 UNDER SECTION 483 OF
BHARATHIYA NAGARIK SURAKSHA SANHITA, 2023**

The present petition filed by the petitioners under section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in crime No.109/2026 registered by the respondent Koratagere Police Station for the offenses punishable under section 310(4), 310(5) of Bharathiya Nyaya Sanhita, 2023. The crime registered against the petitioners on the basis of first information given by Theerthesh.Y.G, as per first information dated 14.05.2026.

2. As per FIR and first information it is allegations against the petitioners that, on 14.05.2026 at about 07-00 p.m, while he was in the police station, he received credible information from the informant that near the land of ADB Balaramaiah on Koratagere- Kamarajanahalli road, about 5-6 persons were lurking with lethal weapons with an intention to commit robbery. Accordingly, H.C.230 Mallikarjuna, P.C-133 Ganesh, PC-641 Naveenkumar, PC-217 Uday, PC-667 Kantharaju, PC-750 Prasad, PC-125



Darmapalanayaka and PC-180 Ranganatha proceeded to the spot in a Government vehicle and private motor bikes and found that five persons were parked motor bikes by the side of the road and were holding weapons in their hands, lying in wait to threaten the public and commit robbery. Thereafter, he sent a complaint through PC-667 Kantharaju to the police station. On the basis of the said information respondent police registered the case and proceeded with the investigation.

3. The present petition is filed by the petitioners stating that he is seeking regular bail in the above said crime. The petitioners contended that prima facie case not made out: There is no specific or credible allegation of any distinct overt act committed by each of the Petitioners. The omnibus allegations cannot substitute for particularised charges at the bail stage. The Hon'ble Supreme Court in Sanjay Chandra v. CBI (2012) 1 SCC 40 held that grant of bail is the rule and refusal is the exception. No likelihood of fleeing: all three petitioners are permanent residents of the area with settled family life, immovable property, and socioeconomic ties. They are willing to furnish adequate surety. No tampering with evidence: the investigation is at a nascent stage and the Investigating Officer has not alleged



any attempt by the petitioners to influence witnesses or tamper with evidence. Conditions on bail can secure this interest. Parity with co-accused/no police remand: The petitioners were not subjected to police remand only accused No. 1 (Chandan) was taken to police custody. This itself indicates that the Investigating Officer did not require the Petitioners' custody for recovery or interrogation, weakening the case for continued judicial remand. Principles under Section 480 BNSS: While Section 310(4) and (5) BNS are serious namely, nature and offences. The factors under Section 480 BNSS gravity of accusation, antecedents, likelihood of fleeing, and safety of the community weigh in their favour and justify the grant of bail with appropriate conditions. Constitutional right to personal liberty: The petitioners have a fundamental right to personal liberty under Article 21 of the Constitution of India. Pre-trial detention must be justified by specific and compelling reasons. Prolonged incarceration of under trial prisoners has been de[recated] by the Supreme Court in Hussainara Khatoon Vs. State of Bihar AIR 1979 Sc 1360 and subsequent judgments. He undertakes to abide by the conditions imposed by the Court and will not flee away from the jurisdiction of the Court. With the above grounds prays



to grant the bail.

4. The Learned Public Prosecutor opposed bail petition by filing statement of objections along with the objections. He contended that the offence alleged against petitioner punishable under section 310(4), 310(5) of BNS is non bailable in nature and heinous offence. If the petitioner is released on bail he will destroy the proof and he may commit similar offences. If the petitioner is released on bail he will not cooperate with prosecution case. The petitioner is influential person in the society so if he is released on bail he may tamper the prosecution witnesses. There are no grounds to enlarge him on bail. Hence, the petitioner is not entitled to bail and prays to reject the petition.

5. I have heard the parties and perused the materials on record. The points that arise for my consideration is:-

1] Whether the petitioners/accused No.3 to 5 made grounds to grant regular bail under section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023, in crime No.109/2026 registered by the respondent Koratagere Police Station for the offenses punishable under section 310(4), 310(5) of Bharathiya



Nyaya Sanhita, 2023,?

2] What order, ?

6. My answer to the above said point which as under.

1. Point No.1 : In the Negative;
2. Point No.2 : As per final order for the following:-

-.REASONS:-

7. **POINT NO.1:-** In the case on hand, the allegations against the petitioner is that, on 14.05.2026 at about 07-00 p.m, while he was in the police station, he received credible information from the informant that near the land of ADB Balaramaiah on Koratagere- Kamarajanahalli road, about 5-6 persons were lurking with lethal weapons with an intention to commit robbery. Accordingly, H.C.230 Mallikarjuna, P.C-133 Ganesh, PC-641 Naveenkumar, PC-217 Uday, PC-667 Kantharaju, PC-750 Prasad, PC-125 Darmapalanayaka and PC-180 Ranganatha proceeded to the spot in a Government vehicle and private motor bikes and found that five persons were parked motor bikes by the side of the road and were holding weapons in their hands, lying in wait to threaten the public and commit robbery.



8. In the case on hand, there is a strong prima facie case against the petitioner. It is apparent from the case record that, there are specific allegations against the petitioner regarding their involvement in the commission of the offence.

9. Further the gravity of the offence, the manner in which the crime was committed and the potential impact on the public interest if bail is granted cannot be overlooked.

10. The Hon'ble Supreme Court emphasized that the seriousness of the offences is a crucial factor in bail considerations. The nature of the crime may outweigh other factors, especially if it involves heinous acts. There is strong prima facie materials to reject the petition filed by the petitioner. Considering the seriousness of the allegations and gravity of offence and possibility of tampering of evidence or influencing witnesses, this Court is felt that it is not a fit case to grant regular bail to the petitioner hence his bail petition is liable to reject. Accordingly, I answer point No.1 in the Negative.

11. **POINT NO.2:-** In view of my findings on point No.1, I proceed to pass the following:-



:-ORDER:-

The bail petition in Crl.Mise.No.5188/2026
filed under section 483 of Bharathiya Nagarik
Suraksha Sanhita, 2023 by the petitioner/ accused
No.3 to 5 is herewith rejected.

*(Dictated to the stenographer, same is corrected, signed and then pronounced by me in
the open court, on this the **04th day of June, 2026**)*

sd/-

(SUMANGALA S BASAVANNOUR)
IV Additional District & Sessions Judge,
Tumakuru, Sitting at Madhugiri