



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

DATED THIS THE 08TH 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.5182/2026

- Petitioners/ : 1. Nagaraju.R @ Gabali Nagaraju.R,
S/o Rangappa,
Aged about 46 years,
2. K.Suresh
S/o Kappanna
Aged about 45 years,
3. Kalyan Ram Setu @ Kalyan Ram,
S/o Bhiya Ramji,
Aged about 38 years,

All are R/o Badavanahalli Village,
Dodderi Hobli, Madhugiri Taluk,
Tumakuru District.

[By -S.R.A- Advocate]

V/S

Respondent : The State by Badavanahalli Police Station,

[By Pubic Prosecutor]

**ORDER ON BAIL PETITION FILED BY THE PETITIONERS/
ACCUSED No.2 TO 4 UNDER SECTION 482 OF**

**BHARATHIYA NAGARIK SURAKSHA SANHITA, 2023**

The present petition filed by the petitioners under section 482 of Bharathiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in Cr.No.50/2026 registered by the respondent Badavanahalli Police Station for the offenses punishable under section 125(a), 125(b), 105 R/w 3(5) of Bharathiya Nyaya Sanhita, 2023. The crime registered against the petitioners on the basis of the first information given by first informant Bhagyamma as per first information dated 04.05.2026.

2. As per FIR and first information the allegations against the petitioner is that, the first informant's husband was the employee of gramapanchayathi and he was working as electrician in the said office. On 02.05.2026 Saturday at about 4-00 p.m when he was doing work in panchayath, at that time, the petitioners and others took him forcefully for repair work of transformer by falsely stating that they have obtained permission from the BESCO and forced him to connect the electricity power and asked him to connect electricity power, and also repair electric wire by climbing electric pole. The said transformer is situated in the land bearing Sy.No.60/2 of Badavanahalli Village which is adjacent to Gabalai Rajanna and Suresh Kappanna. While



first informant's husband was doing repair work by climbing pole between 4-30 and 6-00 p.m suddenly electric power flowed through line causing him to fall from the pole. At that time all the petitioners and others ran away. First informant came to know regarding the incident from Manu over the phone. Immediately the first informant and her son Manoj went to the spot but nobody were there. So she went to Sira Government Hospital and saw that her husband sustained burnt injury all over the body and bleeding injury. As per the advice of the doctor she shifted him to Sridevi hospital, thereafter for higher treatment the first informant shifted her husband to Victoria Hospital, Bengaluru and was in ICU. The said incident occurred due to negligence of the land owner and BESCOM department. The police report discloses that on 06.05.2026 the injured Thippanna succumbed to the injuries. So police have included 105 of BNS. On the basis of first information crime registered against the petitioners and others by the respondent police and proceeded with investigation.

3. The petitioners filed present petition before the Court seeking anticipatory bail. The contention of the petitioners is that, the petitioners have not committed any offences as alleged by the complainant police, only on the basis of false



complaint, The petitioners have falsely implicated in the crime. The petitioners are innocent persons law abiding citizens and they have come from respectable family. No over act is alleged against the petitioners in the complainant, therefore the petitioners are also no required for any custodial interrogation. The land bearing Sy.No.60/2 is not in existence at Badavanahalli Village, but in fact the Sy.No.60/2A and Sy.No.60/2B are in existence at Badavanahalli Village, the said Survey numbers Sy.No.60/2A and Sy.No.60/2B are not pertains to the petitioners. Moreover the petitioner No.3 is i.e. Kalyan Ram was not present at the time of alleged incident, he was went to his native Rajasthan State on 18.04.2026 for the marriage Engagement, the Engagement held on 01.05.2026 at Atbara, Sojat Taluk, Pali District, Rajasthan State, on that day the petitioner No.3 was present for the engagement of his sister's daughter, since from 18.04.2026 up to 08.05.2026 he was stayed at Rajasthan State, he is not at all came to Badavanahalli Village. In fact on 01.05.2026 the petitioner No.3 was travelling on his own car bearing Reg.No.KA-13-P-8817 and he passed the toll on 01.05.2026 at Mandal Village, Sojath Sojat Taluk, Pali District, Rajasthan State to go to marriage function, in this concerned the petitioner No.3 is produced document like



Toll Ticket (FastTag Statement), this clearly speaks to the fact that on 01.05.2026 the petitioner No.3 was stayed at Rajasthan State, but in fact the petitioner No.3 coming from his house at Udaliwasu, Rajasthan state at 5-10 A.M, on 09.05.2026, and he came to Badavanahalli on 10.05.2026 at about 11-35 P.M, but the alleged incident was happened on 02.05.2026 as mentioned in the FIR, in this concerned the petitioner No.3 is produced some documents before the court like Toll Ticket (FastTag Statement) and GPS Photos for kind perusal of this court, hence the petitioner No.3 has not committed any offence as alleged, but the complainant has lodged a false complaint against the petitioner No.3. The petitioner No.1 by name Nagaraju.R has individually installed the Transformer in his own land I.e. Sy.No.60/5C2 at Badavanahalli Village. In fact the alleged incident Electric power Supply line is Feeder 13 (F.13) line, the petitioner No.1 has owned Electric power supply line is Feeder 10 (F.10) bearing T.C.No.BDP.No.1893, the Feeder 10 (F.10) and Feeder 13(F.13) line are entirely different, hence the question of bringing the said Thippanna for the repair of transformer does not arise at all. The petitioner No.2 by name Suresh had not having any landed property in his name adjacent to the alleged incident spot, but the petitioner No.2 is falsely implicated by the respondent police



on the base of false complaint lodged by the complainant. As per FIR the incident was happened on 02.05.2026, this regard the complainant had lodged a complaint before the respondent-police on 04.05.2026, after lapse of two days the complainant had lodged a complaint, this clearly goes to show that nothing happened at the spot, just to harass to the petitioners the complainant had given complaint before the respondent police with the enimity and revenge in nature, hence on the prima facie of Prosecution papers shows this is a false and frivolous complaint against petitioners, hence they are entitle for bail from the hands of this Court. The Commission of the offence 105 BNS is not attract to the case in hand and there is no ingredients of offence section 105 of BNS, if at all the incident was happened why the complainant was keep silence two days, this regard no explanation was forthcoming in her complaint it will also reflect the complainant has falsely lodged a complaint against petitioners. Further the prosecution story looks a doubtful as there is no direct evidence against the petitioners which are not confirmative in law. They are innocent as not guilty of alleged offence and the petitioners are falsely implicated in the case, except the allegations, there is no material placed by the respondent police with the alleged incident as there is no direct evidence to connect the



petitioners to the alleged offence. The petitioners having reputation in the society and the respondent police have intended to arrest the petitioners and they have apprehension from the respondent police, if the respondent police will arrest the petitioners they have lost their prestige and dignity in the society. The petitioners undertakes that they will appear before this court on every hearing dates without fail. The alleged offence is not punishable either with death or imprisonment of life. The petitioners are permanent resident of address mentioned in the cause title. They will undertakes to abide by the conditions imposed by the Court and will not flee away from the jurisdiction of this Court. With above grounds they prays to grant bail.

4. The Learned Public Prosecutor opposed bail petition by filing statement of objections along with the I.O report. It is contended by the public prosecutor that the petitioner is not entitled to bail because he has committed serious offence punishable under section 105 of BNS which is heinous offence and non-bailable in nature. The petitioners may commit similar offence if they are granted bail. The petitioners may abscond from the jurisdiction of this Court if he is released on bail. The petitioners are influential persons if they are released on bail they may tamper the witnesses. Hence at this stage the petitioners are not



entitled to bail. With above grounds pray to reject the bail petition.

5. I have heard the parties and perused the materials on record. The counsel for the petitioner has relied upon the following citations;

1. Lalji Shripal Vs. The State of Madhya Pradesh
2. Criminal Appeal No.2356/2024
3. Criminal Petition No.8029/2014

6. The points that arise for my consideration is:-

1] Whether petitioners/accused No.2 to 4 have made grounds to grant anticipatory bail under section 482 of *Bharathiya Nagarik Suraksha Sanhita, 2023*, in Cr.No.50/2026 registered by the respondent Badavanahalli Police Station for the offenses punishable under section 125(a), 125(b), 105 R/w 3(5) of *Bharathiya Nyaya Sanhita, 2023*, ?

2] What order, ?

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

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

:-REASONS:-

8. **POINT NO.1:-** In the case on hand, it is allegations



against the petitioner that On 02.05.2026 Saturday at about 4-00 p.m when he was doing work in panchayath, at that time, the petitioners and others took him forcefully for repair work of transformer by falsely stating that they have obtained permission from the BESCO and forced him to connect the electricity power and asked him to connect electricity power, and also repair electric wire by climbing electric pole. The said transformer is situated in the land bearing Sy.No.60/2 of Badavanahalli Village which is adjacent to Gabalai Rajanna and Suresh Kappanna. While first informant's husband was doing repair work by climbing pole between 4-30 and 6-00 p.m suddenly electric power flowed through line causing him to fall from the pole. At that time all the petitioners and others ran away. Thereafter on 06.05.2026 the injured Thippanna succumbed to the injuries at Victoria Hospital during the treatment.

9. The counsel for the petitioners relied upon the decisions reported in the case of Criminal Appeal No.2356/2024 between Yuvraj Laxmilal Kanther & Anr., Vs. State of Maharashtra, wherein it is held that,

17.2. The aforesaid conclusion of this Court and the consequential directions issued was in exercise of power under Article 142 of the Constitution of India considering the gravity and magnitude of the



incident.

17.3. In so far facts of the present case is concerned, the two deceased employees of appellant No.1 were undertaking the work of decoration of the front side of the shop. As part of the said work, they were working on the sign board which was approximately at a height of 12 feet from the ground level. For this purpose, they were provided with an iron ladder. While working on the sign board, they were struck by electricity as a result of which they got electrocuted and fell down resulting in multiple injuries leading to their death. It was purely accidental. On these basic facts, no prima facie case can be said to be made out against the appellants for committing an offence under Section 304A IPC, not to speak of Section 304 Part II IPC. In any case, the Trial Court only considered culpability of the appellants qua Section 304 Part II IPC as the committing Magistrate had committed the case to the Court of Sessions confining the allegations against the appellant to Section 304 Part II IPC and not Section 304A IPC.

That being the position and having regard to the discussions made above, we are of the view that both the Trial Court and the High Court fell in error in rejecting the discharge applications of the appellants. For the reasons stated above, the order of the Trial Court dated 01.04.2017 and that of the High Court dated 02.11.2017 are hereby set aside and quashed. Consequently, applications being Exhibit Nos, 6 and 10 in Sessions Case No. 749 of 2014 are hereby



allowed. Appellants are discharged from Sessions Case No. 749 of 2014. Consequently, Criminal Appeal No. 2356 of 2024 is allowed.

In the case of Criminal Petition No.8029/2014 between Ajay Ghosh Vs. State of Karnataka by H.D.Kote Police Station, it is held that,

As per the FIR lodged by a lady by name Kanthamma, her husband went near the land of this petitioner and was got electrocuted soon after he touched the barbed electric fence. It is submitted that the fence had been made live with the electricity. Hence, a case came to be registered on 20.9.2014.

Offences alleged against the petitioner are neither punishable with death nor imprisonment for life; though exclusively triable by the Sessions Court. The petitioner is a permanent resident having roots in the community. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing certain conditions.

10. Upon consideration of the materials on record, this Court is of the opinion that the question whether the petitioner were responsible for the incident and extent of their liability to be established during the trial. At this stage, there is no material indicating that the petitioners are directly liable.



11. In the case on hand, there is specific allegations against the present petitioners hence custodial interrogation of the petitioners are not necessary. The case against the petitioners are to be proved after trial.

12. Further there is no criminal antecedents against the present petitioners. The petitioners are permanent of resident of Madhugiri Taluk. If the petitioners are enlarged on bail with stringent conditions they would not flee away from the clutches of law and interest of justice would be served.

13. In the case on hand, the offences alleged against the petitioners are not punishable with death or imprisonment for life hence it is not a fit case to reject the petition filed by the petitioners. Considering all these aspects, I feel the petitioners is entitled to anticipatory bail and this petition is deserves to allow. Accordingly, I answer point No.1 in the Affirmative.

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

:-ORDER:-

The bail petition in Crl.Misc.No.5182/2026
filed by the petitioners/accused No.2 to 4 under



section 482 of *Bharathiya Nagarik Suraksha Sanhita, 2023* is herewith allowed. The petitioners/accused No.2 to 4 is granted anticipatory bail in crime Cr.No.50/2026 registered by the respondent Badavanahalli Police Station for the offenses punishable under section 125(a), 125(b), 105 R/w 3(5) of *Bharathiya Nyaya Sanhita, 2023*. In the event of arrest of the petitioners/accused No.2 to 4 in the above said crime the arresting authority is directed to release them on bail on the following conditions.

1. The petitioners/accused No.2 to 4 shall execute personal bond for sum of Rs.2,00,000/- each with two sureties for like sum.
2. The petitioners/accused No.2 to 4 shall appear before the Jurisdictional Magistrate within 15 days from the date of this order for the purpose of execution of bail bond and sureties.
3. The petitioners/accused No.2 to 4 shall make themselves availability for interrogation by the Investigating Officer as and when required.
4. The petitioners/accused No.2 to 4 shall not leave the jurisdiction of this Court without prior permission.
5. The petitioners/accused No.2 to 4 and



their sureties shall furnish permanent and present address proofs, both residential and official if any.

6. The petitioners/accused No.2 to 4 and their sureties to intimate the concerned court as well as the concerned police regarding any changes in address with proof, in the form of an affidavit.

7. The petitioners/accused No.2 to 4 shall not indulge in any criminal activities.

8. The petitioners/accused No.2 to 4 shall not threaten prosecution witnesses and tamper prosecution witnesses.

9. The petitioners/accused No.2 to 4 shall appear before the IO on every third Sunday of every month for a period of 3 months or till filing final report, whichever is earlier.

10. If any of the above conditions are violated by the petitioners/accused No.2 to 4 the bail granted now shall stand canceled without further order from the court.

*(Dictated to the stenographer, same is corrected, signed and then pronounced by me in the open court, on this the **08th day of June, 2026**)*

sd/-

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