



**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.5189/2026

Petitioners/ : 1. Banappa,
S/o Late Hanumantharayappa,
Aged about 52 years,

2. Jayanna,
S/o Chikkahanumaiah,
Aged about 55 years,

3. Ranganatha,
S/o Late Narasimhaiah,
Aged about 58 years,

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

[By –S.R.R- Advocate]

V/S

Respondent : The State by Badavanahalli Police Station,

[By Pubic Prosecutor]

**ORDER ON BAIL PETITION FILED BY THE PETITIONERS/
ACCUSED No.1, 5 AND 6 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. The FIR clearly demonstrates that the petitioners are not all involved in the alleged offences as the main allegation of the complainant that the petitioners have brought the Deceased Thippanna for electrical work, in fact the petitioner No.1 to 3 have no landed properties, and they have not owned any Agricultural Pup set, and hence there is no question bring or brought the said Thippanna for electrical repairs and more over if there is any electrical line work it should be done by the Electrical Department by taking L.C. not by any private person. Non had try to do electrical line work without consent and taking L.C. of KEB. The Thippanna might have done electrical work for the Panchayath line purpose not for the work of the petitioner, and the petitioner have no way concerned to the act of the said Thippanna. The FIR clearly demonstrates that the petitioners themselves have forcibly brought the deceased Thippanna and climb the electrical pole to arrange the electrical line repairs but the petitioners are not the higher Authority of the said deceased Thippanna, and there is no



chance of directed him to climb the electrical pole, and more over as stated above there is no lands or bore wells pertains to petitioner, such being the case there is no chance of brought the said Thippanna for electrical repairs. The petitioners are law abiding citizen, and they the fixed place of resident and rooted the community, and hence they are always available to the process of court. The petitioners are totally not aware about the incident and they are strangers to alleged incident, the complaint of the complainant is motivated and prejudiced, the complainant, and respondent police have made the petitioners as scope goat in the present case for the reasons which they only knew. Bail or jail at Pre-trial stage belongs to blurred area of criminal justice largely hinges on the hunch of the bench otherwise called as Judicial discretion. The cherished principle of Golden thread of proof which runs through to the web of our law should not be stretched morbidly to ever hunch, hesitancy and degree of doubt. For presumed innocence must be moderated in pragmatic way to make criminal justice much be made potent and realistic man may lie but circumstances do not Unless the charge has been proved beyond reasonable doubt responsibility for the alleged offences. the petitioner would not be held responsibility for



the alleged offences. At no point of time the petitioners have committed any offence as alleged by the complainant, that the entire allegations made against the petitioner are false and frivolous hence the petitioner prays that this hon'ble court be pleased to grant them the anticipatory bail. The petitioner have no criminal antecedents and they are the permanent residents of the address given in the cause title, and they have got movable and immovable properties and there is no chance of escaping. 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.1, 5 and 6 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.5189/2026 filed by the petitioners/accused No.1, 5 and 6 under section 482 of *Bharathiya Nagarik Suraksha Sanhita, 2023* is herewith allowed. The petitioners/accused No.1, 5 and 6 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.1, 5 and 6 in the above said crime the arresting authority is directed to release them on bail on the following conditions.

1. The petitioners/accused No.1, 5 and 6 shall execute personal bond for sum of Rs.2,00,000/- each with two sureties for like sum.
2. The petitioners/accused No.1, 5 and 6 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.1, 5 and 6 shall make themselves availability for interrogation by the Investigating Officer as and when required.
4. The petitioners/accused No.1, 5 and 6 shall not leave the jurisdiction of this Court without prior permission.
5. The petitioners/accused No.1, 5 and 6 and their sureties shall furnish permanent and present address proofs, both residential and



official if any.

6. The petitioners/accused No.1, 5 and 6 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.1, 5 and 6 shall not indulge in any criminal activities.

8. The petitioners/accused No.1, 5 and 6 shall not threaten prosecution witnesses and tamper prosecution witnesses.

9. The petitioners/accused No.1, 5 and 6 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.1, 5 and 6 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