



**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.5195/2026

Petitioner/ : 1. Vasantha,
W/o P.N.Mahesh,
Aged about 74 years,

2. Sabitha @ Eramma,
W/o P.N.Mahesh,
Aged about 60 years,

3. V.Lalitha,
W/o Lingesh Patel.B,
Aged about 34 years,

All are R/o Ponnasamudra Village,
Y.N.Hosakote Hobli, Pavagada Taluk.

[By – R.S.S – Advocate]

V/S

Respondent : The State by Pavagada 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 crime No.66/2026 registered by the respondent Pavagada Police Station for the offenses punishable under section 115(2), 352, 351(2) R/w 3(5) of Bharathiya Nyaya Sanhita, 2023. The crime registered against the petitioners on the basis of first information given by Pavithra.T.N, as per first information dated 11.03.2026.

2. As per FIR and first information it is allegations against the petitioner that, the first informant's in-laws Vasanthamma and Eramma were received gold earing studs, two pair leg chain and one dabble door fridge from the first informant. On 22.02.2026 the first informant asked Vasanthamma for returning the above said things. Lingesh abused in filthy language. Fisted with hands and kicked him legs and caused pain to all over the body and refused to return the ear stud and Rs.10,000/- and pushed her to go out side. Therefore she filed the complaint before the police station and it was registered in crime No.142/2026. Since the offence is non bailable hence they



have endorsement to direct her to appear before police station and sought permission from the Court to treat the offence as cognizable offence and conduct the investigation. On 11.03.2026 P.C.567 Mahesh brought the intimation under J.S.C.No.1432/2026 and registered the case in Crime No.66/2026 for the offence under Section 115(2), 352, 351(2) Rs. 3(5) of BNS. On the basis of the said information crime registered against the petitioner by the respondent police and proceeded with the investigation.

3. The present petition is filed by the petitioner stating that he is seeking anticipatory bail in the above said crime. He contended that the petitioners are innocent of the Offences and they have been falsely implicated in to the crime and they have not committed any offences as alleged by the respondent police. The offences Under Section 351(2) of BNS is non-bailable in nature but not punishable with death or imprisonment for life and triable by the Magistrate of First Court.. The complainant and her husband doing illegal business and on that basis they have illegally demanded for amount to the petitioners, when they said no, colluding with the respondent police, have falsely given application with a pre-planned and sought for court permission and accordingly registered false complainant



against the petitioners. The allegations made in the complaint are all false and vague in nature, just with an intention to harass the petitioners, only lodge the false complaint against the petitioners. The petitioner No.1 and 2 are very Old aged persons and petitioner No.3 is a women and got small kids in her house and they are the permanent residents of Ponnasamudra Village and Owning movables and immovable properties and ready to offer sureties and to abide by the conditions of bail. The petitioners are law abiding citizens and having good status in the society. Hence there are no chances of fleeing away from justice and also undertakes that not to leave the jurisdiction of this Court. The petitioners are not required for custodial interrogation as nothing is required to be recovered from the petitioners and they are ready to offer surety and to co-operate with the investigation. The petitioner 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 I.O report. He contended that the investigation of the matter is not completed. The offence alleged against the petitioners



under section 351(2) is punishable imprisonment with fine. The petitioners will not cooperate with prosecution case if they are released on bail. The petitioners may commit similar offence. The petitioners are powerful person in the society if they are released on bail they may tamper the prosecution witnesses. There are no grounds to enlarge them on bail. Hence, the petitioners are 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.2 to 4 made grounds to grant anticipatory bail under section 482 of Bharathiya Nagarik Suraksha Sanhita, 2023, in crime No.66/2026 registered by the respondent Pavagada Police Station for the offenses punishable under section 115(2), 352, 351(2) R/w 3(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 as
not maintainable ;



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

:-REASONS:-

7. **POINT NO.1:-** The offences alleged against the accused are allailable hence anticipatory bail application is not maintainable. Section 482 of BNSS reads as follows;

Direction for grant of bail to person apprehending arrest;

(1)When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

(3)If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).

(4)Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

8. The complaint filed by the defacto complainant for the offences punishable under section 115(2), 352, 351(2) R/w 3(5) of Bharathiya Nyaya Sanhita, 2023 which are bailable in nature. However the petitioner is claiming anticipatory bail. Section 482 of BNNS says that, when any person has reasons to believe that he may be arrested on accusation



committed non-bailable offence he may apply to the High Court or Court of Sessions for a directions under this section and that the Court may, if it think fit direct that in the event of arrest he shall be released on bail. But here admittedly offence alleged against the accused No.2 to 4/ petitioners are bailable in nature. Hence petition is liable to be rejected on this ground without advertting merits of the case.

9. Of course Section 351(2) is punishable with 3 years imprisonment and fine but it is cognizable and bailable offence. Since offence is bailable there cannot be any anticipatory bail in respect of bailable offence. However in the event of the petitioner surrendered before the concerned Magistrate, by filing application under Section 478 of BNSS, it is mandatory that the concerned Magistrate shall grant bail to the petitioner under Section 478 of BNSS on certain conditions. Hence the bail petition filed by the petitioner is not maintainable deserves to be rejected. Accordingly, I answer point No.1 in the Negative as not maintainable.

10. **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.5195/2026 filed by the petitioners/accused No.2 to 4 under section 482 of *Bharathiya Nagarik Suraksha Sanhita, 2023* is herewith rejected as not maintainable.

(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