



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

DATED THIS THE 23RD 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.5213/2026

Petitioner/ : Vasantha @ Gidda,
S/o Srinivas,
Aged about 22 years,
R/o 12th Ward,
Koratagere Town,
Koratagere Taluk,
Tumakuru District.

[By -D.P.N- Advocate]

V/S

Respondent : The State by Koratagere Police Station.

[By Pubic Prosecutor]

**ORDER ON BAIL PETITION FILED BY THE PETITIONER/
ACCUSED No.1 UNDER SECTION 483 OF BHARATHIYA
NAGARIK SURAKSHA SANHITA, 2023**

The present petition filed by the petitioner under section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in crime No.262/2025 registered by the



respondent Koratagere Police Station for the offenses punishable under section 115(2), 109, 351(2), 352 R/w 3(5) of Bharatiya Nyaya Sanhita, 2023. The crime registered against the petitioner on the basis of the first information given by first informant Vishwanatha.B.S. @ Vishwa as per first information dated 14.12.2025.

2. As per FIR and first information the allegations against the petitioner is that on 13.12.2025 at about 6-15 p.m Gangesh asked the first informant accompanying with him to drink alcohol. So the first informant and Ganesh went to Gayathri Wines Store wherein Vasanta @ Gidda and Shreedhara @ Gombe are consuming alcohol. The first informant and his friend Ganesh after consuming alcohol while going out side of the wine store, the first informant's right hand touched to Shreedhara, for that Shreedhara told you could not take care, for that first informant told that accidentally his hands touched him. By that time Vasantha @ Gidda threatened the first informant with dire consequences, Shreedhar fisted all over the body of first informant and abused in filthy language. Thereafter when the first informant came out side of the wine store Vasantha asked first informant why you are looking Shreedhar with



anger and I will finish you, then Vasantha with an intention to commit murder stabbed with knife on the right rib of the first informant. At that time Shreedhara took him further by stating he has already assaulted first informant. Ganesha pacified the quarrel and took first informant to the hospital at that time Shreedhara and Vasantha told first informant today you have won, one or the other day we will finish you. Ganesha took first informant to the Koratagere Government Hospital. Then as per the advice of the doctor his relative Abilash shifted first informant to District Government Hospital, Tumakuru in 108 ambulance for higher treatment. On the basis of first information crime registered against the petitioner by the respondent police and proceeded with investigation.

3. The petitioner filed present petition before the Court seeking regular bail. The contention of the petitioner is that, the respondent police completed their investigation and filed charge sheet against this petitioner/accused no.1 and other accused for the offences punishable under Section. 115(2), 109, 351(2), 352, R/w 3(5) of Bharatiya Nyaya Sanhita, 2023. There is no prima facie case made out against this petitioner/accused no.1 is not at all present or involve on alleged incident and he is no way connected to the alleged



crime. The complaint itself is contrary to the case as per the statements given by the C.W.1 on 13.12.2025 and case was registered on 14.12.2025 and also the respondent police arrested this petitioner from Hospital on 14.12.2025 and produced before learned Magistrate judge. As per the charge sheet nothing has been recovered from this petitioner and no material was found against this petitioner based on the voluntary statement of the other accused and also interested witnesses and friends of the deceased, this petitioner/accused no.1 is falsely implicated into the above case, which is not any evidentiary value as per section 25 and 26 of evidence Act. This petitioner will appear regularly to the Court and he will not abscond from the jurisdiction of the Court and who does not have any power hampering the prosecution witnesses. The Court can impose any condition a like every day visiting the police station. The police has also recorded the statement of eye witnesses, no one has stated anything about the role of this petitioner herein and in basis of statement of accomplish police has arrested this accused. Entire case of the prosecution is based on the hearsay evidence, circumstantial witnesses and their no direct evidence to Show that, this accused was involved in the above case. The alleged scene of incident is at



commercial area and no any independent witness was placed as witness by the respondent Police to show that, the accused was present at the scene of occurrence. Nothing has been recovered and as per charge sheet allegations and falsely implicated by the respondent police without proper investigation. The accused no. 2 was enlarged on bail by this court in Criminal Misc. Petition No.5357/2025, dated 20th December 2025, hence seeking ground of parity to this petitioner because this accused No.2 also standing on the same footings. This petitioner is innocent of the offences alleged against them and falsely implicated by the complainant/Respondent at the instance of the higher officer. The offence alleged against this petitioner is neither punishable with life imprisonment nor With Capital Punishment. This petitioner is aged 22 years and to take care of his parents and he is the only bread earner of his family. The accused is ready to furnish surety for their due release on bail and ready to surrender to the final verdict of the Judicial Forum. He undertakes to abide by the conditions imposed by the Court and will not flee away from the jurisdiction of this Court. With above grounds he prays to grant bail.



4. The Learned Public Prosecutor opposed bail petition by filing statement of objections along with 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 109 of BNS which is heinous offence and non-bailable in nature. The petitioner along with another accused has committed offence for silly reason. The Crl.Misc.No.5357/2025 filed by the accused No.2 is rejected. The Investigating Officer has to conduct mahazars. The first informant has sustained grievous injury. If the petitioner is released on bail he may abscond from the jurisdiction of this Court. If the petitioner is released on bail there is every chance to commit similar offence. Hence at this stage the petitioner is 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 points that arise for my consideration is:-

1] Whether petitioner/accused No.1 has made grounds to grant regular bail under section 483 of *Bharathiya Nagarik Suraksha Sanhita, 2023*, in crime No.262/2025 registered by the respondent Koratagere Police Station for the offenses punishable under section 115(2), 109, 351(2) 352 R/w 3(5) of *Bharatiya Nyaya Sanhita, 2023*, ?



2] What order, ?

6. 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:-

7. **POINT NO.1:-** In the case on hand, it is allegations against the petitioner and another accused that, on 13.12.2025 at about 6-15 p.m Gangesh asked the first informant accompanying with him to drink alcohol. So the first informant and Ganesh went to Gayathri Wines Store wherein Vasanta @ Gidda and Shreedhara @ Gombe are consuming alcohol. The first informant and his friend Ganesh after consuming alcohol while going out side of the wine store, the first informant's right hand touched to Shreedhara, for that Shreedhara told you could not take care, for that first informant told that accidentally his hands touched him. By that time Vasantha @ Gidda threatened the first informant with dire consequences, Shreedhar fisted all over the body of first informant and abused in filthy language. Thereafter when the first informant came out



side of the wine store Vasantha asked first informant why you are looking Shreedhar with anger and I will finish you, then Vasantha with an intention to commit murder stabbed with knife on the right rib of the first informant. The petitioner also caused life threat to the first informant.

8. In the case on hand, the final report already filed against the petitioner. There is specific allegations against the petitioners hence it can be proved after trial.

9. Further there is no antecedents against the present petitioners. The petitioner is permanent of resident of Koratagere Taluk. If the petitioner is enlarged on bail with stringent conditions he would not flee away from the clutches of law and interest of justice would be served.

10. In the case on hand the petitioner is in judicial custody since 14.12.2025. He is subjected to interrogation hence these circumstances sufficient to say that custodial interrogation of the petitioner is not necessary in the case on hand. Though alleged offences punishable under Section 109 of BNS is punishable with 10 years imprisonment with fine, by imposing stringent conditions he may released on bail. Hence it is a fit case to grant regular bail to the



petitioner. Under the circumstances, the petitioner is entitled to regular bail and this petition is deserves to allow. Accordingly, I answer point No.1 in the Affirmative.

11. **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.5213/2026 filed by the petitioner/accused No.1 under section 483 of *Bharathiya Nagarik Suraksha Sanhita, 2023* is herewith allowed. The petitioners/accused No.1 is granted regular bail in crime No.262/2025 registered by the respondent Koratagere Police Station for the offenses punishable under section 115(2), 109, 351(2), 352 R/w 3(5) of *Bharatiya Nyaya Sanhita, 2023*, on the following conditions.

1. The petitioners/accused No.1 shall execute personal bond for sum of Rs.2,00,000/- with two sureties for like sum.
2. The petitioner/accused No.1 shall not leave the jurisdiction of Karnataka prior without permission.
3. The petitioner/accused No.1 and his



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

4. The petitioner/accused No.1 and his 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.

5. The petitioner/accused No.1 shall not indulge in any similar criminal activities.

6. The petitioner/accused No.1 shall not threaten prosecution witnesses and tamper prosecution witnesses and they shall not repeat such offence.

7. If any of the above conditions are violated by the petitioner/accused No.1 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 **23rd day of June, 2026**)*

sd/-

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