



**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TUMKUR (SITTING AT TIPTUR).**

Dated this 3rd day of June, 2026

Present:

**SRI. HEMANTH KUMAR. C.R. B.A.L., L.L.B.,
V Addl. District and Sessions Judge
Tumkur (Sitting at Tiptur)**

Crl. Misc.No.10209/2026

Petitioner/s : Harshavardhan T.R.
S/o Rajendra Kumar T.S.
Aged about 43 years,
R/o : No.9, Kuramkote Village,
Kumar Kote Post, CN Durga Hobli,
Koratagere Taluk,
Tumkur District.

Working Address:
Harshavardhan T.R.
S/o Rajendra Kumar T.S.
Aged about 43 years,
Employee in Northern ARC Ltd.
Finance, Channarayapatna Town,
Hassan District.

(By: Sri.C.V., Advocate)

V/s

Respondent : State by
Nonavinakere Police Station

(By Public Prosecutor)

**Order on bail petition filed U/sec 482 of Bharathiya Nagarika
Suraksha Sanhita 2023**

This petition is filed by the petitioner seeking anticipatory
bail U/Sec.482 of BNSS, 2023 in Crime No.40/2026 of



Nonavinakere Police station for the offence punishable U/Sec.108 of Bharathiya Nyaya Sanhita (BNS).

2) The brief facts of the case :

The complainant Pushpavathi W/o Neelakanthaswamy has lodged the complaint on 23.05.2026 at about 11.00 p.m., alleging that the complainant had been residing in Suguru Village for about 30 years and that both she and her husband were working as daily wage labourers. On 23.05.2026, as usual, she left for work at about 7.00 a.m., after leaving her two children at her parental home. After completing her work, she returned to the village and reached her house at about 5.00 p.m. Upon entering the house, she found her husband hanging from a hook in the hall with a rope tied around his neck. Shocked by the sight, she raised an alarm, upon which Gangadhar S/o Boraiah, who resided nearby, came to her assistance. The complainant and Gangadhar untied the rope and noticed that her husband's body was still warm. They immediately called the 108 ambulance service and shifted him to the Government hospital, Tiptur. Upon examination, the doctor informed them at about 7.00 p.m., that he had already passed away. The complainant further stated that her husband had borrowed a loan of Rs.7,00,000/- from "NORTHERN ARC LTD" at Channarayapatna, Hassan District. However, for the past five months, he had been unable to repay the loan. A staff member of "NORTHERN ARC LTD", namely Harsha, frequently visited their house and in the presence of villagers, abused and humiliated her husband by saying that if he was not capable of repaying the loan, he had no right to live on this earth. On 21.05.2026, when neither she nor her husband was at



home, Harsha allegedly came near their house and wrote on the wall, "This property is under Mortgage to NORTHERN ARC LTD". This fact was later informed to her by Devamma W/o Mallappa, who resided opposite their house. The complainant further alleged that Harsha repeatedly harassed and humiliated her husband regarding repayment of the loan and insulted him by saying that if he was incapable of repaying the loan, he should not be living on this earth. Due to such humiliation and mental distress, her husband became deeply upset and after she had left for work at about 7.00 a.m., on the said day, he allegedly committed suicide by hanging himself. The complainant contended that the death of her husband Neelakantaswamy was a direct consequence of the provocation and harassment caused by Harsha of "NORTHERN ARC LTD" and request to take legal action against him. As such alleging the said facts, the complainant has lodged the complaint and the police on receipt of the said complaint have registered the case in Crime No.40/2026 for the offence punishable U/Sec.108 of Bharathiya Nyaya Sanhita (BNS).

3) The petitioner being accused aggrieved by the same has preferred this bail petition on the following among other grounds:

The petitioner submits that the petitioner is innocent and has not committed any offence as alleged by the respondent police. The petitioner further submits that the complainant is not an eyewitness to either the death of the deceased or the alleged acts attributed to the petitioner and admittedly, she was not present on 21.05.2026, when the alleged incident is said to have occurred and has based her allegations on hearsay information and no complaint was lodged



against the petitioner or any bank official at the relevant point of time, which creates serious doubt regarding the truthfulness of the allegations. The petitioners further submits that the complaint itself reveals that the deceased had availed a housing loan of Rs.7,00,000/- and had defaulted in payment of EMIs for about five months and the petitioner was only discharging his official duties in connection with recovery proceedings and the allegations are an afterthought intended to falsely implicate the petitioner after the unfortunate death of the deceased. The petitioners further submit that even if the allegations contained in the complaint are accepted in their entirety, they do not disclose any act of instigation, intentional aid or active participation on the part of the petitioner so as to attract the ingredients of the offence punishable U/Sec.306 of IPC and mere demand for repayment of a loan or recovery proceedings cannot constitute abetment of suicide. The petitioner further submits that the *Hon'ble Supreme Court in Chitresh Kumar Chopra V/s State (NCT of Delhi), Gurucharan Singh V/s State of Punjab and Geo Varghese V/s State of Rajasthan* has consistently held that, to constitute an offence U/Sec.306 of IPC, there must be a clear mens rea, direct or indirect incitement, and a proximate act of instigation compelling the deceased to commit suicide and the allegations in the present case do not satisfy these requirements. The petitioner further submits that the petitioner is a respectable citizen, permanently residing at the address shown in the cause title, having no criminal antecedents and the alleged offence is not punishable with death or imprisonment for life and custodial interrogation of the petitioner is not required, and any apprehension of the prosecution can be adequately safeguarded by imposing



suitable conditions and the petitioner undertakes not to tamper with prosecution witnesses or evidence, not to abscond. The petitioner further submits that the petitioner undertake to co-operate with the investigation and the petitioner is ready and willing to abide by the terms and condition imposed by this court and to co-operate with the investigation and also ready to furnish substantial surety. Hence, prays to allow the bail petition.

4) After service of notice, the learned Public Prosecutor has appeared and filed objection contending that the offences alleged against the petitioner are grievous in nature and the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the offence alleged against the petitioner U/Sec. 108 of BNS, 2023 is punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. The learned Public Prosecutor has contended that presence of accused is necessary for custodial interrogation, as the investigation is still in progress and the investigation officer has to collect evidence and also to record statement of the witnesses. As such, at this stage, if the bail petition of the accused is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

5) Heard arguments and perused the records. The points that arise for my consideration are:

- 1) Whether the petitioner has made out sufficient grounds to allow the petition filed



U/Sec. 482 of Bharathiya Nagarika
Suraksha Sanhita, 2023 ?

2) What order?

My findings on the above points are as under:

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

REASONS

6) **POINT No.1:** The petitioner counsel has addressed the arguments contending that the petitioner is innocent and has not committed any offence as alleged by the respondent police. The petitioner counsel further contended that the complainant is not an eyewitness to either the death of the deceased or the alleged acts attributed to the petitioner and admittedly, she was not present on 21.05.2026, when the alleged incident is said to have occurred and has based her allegations on hearsay information and no complaint was lodged against the petitioner or any bank official at the relevant point of time, which creates serious doubt regarding the truthfulness of the allegations. The petitioners counsel further contended that the complaint itself reveals that the deceased had availed a housing loan of Rs.7,00,000/- and had defaulted in payment of EMIs for about five months and the petitioner was only discharging his official duties in connection with recovery proceedings and the allegations are an afterthought intended to



falsely implicate the petitioner after the unfortunate death of the deceased. The petitioners counsel further contended that even if the allegations contained in the complaint are accepted in their entirety, they do not disclose any act of instigation, intentional aid or active participation on the part of the petitioner so as to attract the ingredients of the offence punishable U/Sec.306 of IPC and mere demand for repayment of a loan or recovery proceedings cannot constitute abetment of suicide. The petitioner counsel further contended that the *Hon'ble Supreme Court in Chitresh Kumar Chopra V/s State (NCT of Delhi), Gurucharan Singh V/s State of Punjab and Geo Varghese V/s State of Rajasthan* has consistently held that, to constitute an offence U/Sec.306 of IPC, there must be a clear mens rea, direct or indirect incitement, and a proximate act of instigation compelling the deceased to commit suicide and the allegations in the present case do not satisfy these requirements. The petitioner counsel further contended that the petitioner is a respectable citizen, permanently residing at the address shown in the cause title, having no criminal antecedents and the alleged offence is not punishable with death or imprisonment for life and custodial interrogation of the petitioner is not required, and any apprehension of the prosecution can be adequately safeguarded by imposing suitable conditions and the petitioner undertakes not to tamper with prosecution witnesses or evidence, not to abscond. The petitioner counsel further contended that the petitioner undertake to co-operate with the investigation and the petitioner is ready and willing to abide by the terms and condition imposed by this court and to co-operate with the investigation and also ready to furnish substantial surety. Hence, prays to allow the bail petition. The learned counsel



for accused in support of his arguments has relied upon the judgment of ***Hon'ble High Court of Karnataka reported in LAWS (KAR)-2022-7-31 in Criminal Petition No.4507/2022 in a case between Shrinath Babu V/s State of Karnataka.***

7) The learned Public Prosecutor has addressed the arguments contending that the offences alleged against the petitioner are grievous in nature and the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the offence alleged against the petitioner U/Sec. 108 of BNS, 2023 is punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. The learned Public Prosecutor has contended that presence of accused is necessary for custodial interrogation, as the investigation is still in progress and the investigation officer has to collect evidence and also to record statement of the witnesses. As such, at this stage, if the bail petition of the accused is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

8) On perusal of the records, it is noticed that the prosecution of the case is that the complainant had been residing in Suguru Village for about 30 years and that both she and her husband were working as daily wage labourers. On 23.05.2026, as usual, she left for work at about 7.00 a.m., after leaving her two children at her parental home. After completing her work, she returned to the village and reached her house at about 5.00 p.m. Upon entering the



house, she found her husband hanging from a hook in the hall with a rope tied around his neck. Shocked by the sight, she raised an alarm, upon which Gangadhar S/o Boraiah, who resided nearby, came to her assistance. The complainant and Gangadhar untied the rope and noticed that her husband's body was still warm. They immediately called the 108 ambulance service and shifted him to the Government hospital, Tiptur. Upon examination, the doctor informed them at about 7.00 p.m., that he had already passed away. The complainant further stated that her husband had borrowed a loan of Rs.7,00,000/- from "NORTHERN ARC LTD" at Channarayapatna, Hassan District. However, for the past five months, he had been unable to repay the loan. A staff member of "NORTHERN ARC LTD", namely Harsha, frequently visited their house and in the presence of villagers, abused and humiliated her husband by saying that if he was not capable of repaying the loan, he had no right to live on this earth. On 21.05.2026, when neither she nor her husband was at home, Harsha allegedly came near their house and wrote on the wall, "This property is under Mortgage to NORTHERN ARC LTD". This fact was later informed to her by Devamma W/o Mallappa, who resided opposite their house. The complainant further alleged that Harsha repeatedly harassed and humiliated her husband regarding repayment of the loan and insulted him by saying that if he was incapable of repaying the loan, he should not be living on this earth. Due to such humiliation and mental distress, her husband became deeply upset and after she had left for work at about 7.00 a.m., on the said day, he allegedly committed suicide by hanging himself. The complainant contended that the death of her husband Neelakantaswamy was a direct



consequence of the provocation and harassment caused by Harsha of “NORTHERN ARC LTD” and request to take legal action against him. As such alleging the said facts, the complainant has lodged the complaint.

9) On perusal of the records, it is noticed that the police on receipt of the said complaint have registered the case in Crime No.40/2026 for the offence punishable U/Sec.108 of Bharathiya Nyaya Sanhita (BNS). The petitioner has contended that he is ready and willing to abide by the terms and conditions imposed by this Court and also co-operate with the investigation. The petitioner counsel has contended that even if the allegations contained in the complaint are accepted in their entirety, they do not disclose any act of instigation, intentional aid or active participation on the part of the petitioner so as to attract the ingredients of the offence punishable U/Sec.108 of BNS and mere demand for repayment of a loan or recovery proceedings cannot constitute abetment of suicide. On perusal of the records, it is noticed that the offence alleged against the petitioner though is grievous in nature and is not punishable with imprisonment for life or death sentence. In the present case, the investigation is still pending, at this stage, it cannot be said that the petitioner is involved in the alleged offences. The offence alleged against the accused is under section 108 of BNS, the prosecution has to prove the ingredients of Section 45 of BNS, they are aid, instigation and specific overtact of abetment in the full fledged trial. The apprehension of the prosecution is that if the bail petition of the accused is allowed, there is every chances of petitioner threatening the prosecution witnesses, destroy evidence,



abscond and hamper the trial. The guilt of the petitioner has to be proved during the course of trial as the case is still under the stage of investigation and the petitioner having contended that he is ready and willing to abide by the terms and conditions and also co-operate with the investigation. The said apprehension of the prosecution can be satisfied by imposing stringent conditions. Considering all these facts, I am of the opinion that the petitioner can be enlarged on bail by imposing certain conditions, which would meet the apprehension of the prosecution. Accordingly, I answer the point No.1 in **Affirmative.**

10) **POINT No.2:** For the reasons stated above, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/Sec.482 of BNSS, 2023 is hereby allowed.

The respondent – Nonavinakere Police is directed to release the petitioner on bail in the event of his arrest in Crime No.40/2026 for the offence punishable U/Sec.108 of Bharathiya Nyaya Sanhita (BNS) on obtaining self bond for Rs.50,000/- with one surety for the like-sum subject to the following;

Conditions:

- 1) The petitioner shall attend the concerned police in between 10.00 A.M., to 5.00 P.M., on 15th of every month and mark his attendance till filing of the charge sheet and cooperate for investigation.



- 2) The petitioner shall not hamper or tamper with the prosecution witnesses or evidence in any manner.
- 3) The petitioner shall not commit or involve in similar offences in future.
- 4) The petitioner shall produce address proof document and not violate the conditions.

(Dictated to the Stenographer, transcribed by her, script thereof revised, corrected, signed and then pronounced by me in the open Court on this the 3rd day of June, 2026)

Sd/-

(Hemanth Kumar C.R.)

V Addl. District & Sessions Judge
Tumkur (Sitting at Tiptur)