

KAVN010013802026



Presented on : 23-02-2026
Registered on : 24-02-2026
Decided on : 07-03-2026
Duration : 13 Days

**IN THE COURT OF THE PRINCIPAL DISTRICT &
SESSIONS JUDGE, VIJAYANAGARA DISTRICT
HOSAPETE**

Present

Sri.K.M.Rajashekar, B.Sc., LL.M.
Principal District & Sessions Judge,
Vijayanagara District, Hosapete.

Crl.Misc.Case No.141 of 2026

Dated this the 7th day of March 2026

Petitioners:/A1 to 4

A1. M.K. Javed S/o M. K. Umarsab
Age: 38 years,
R/o, 7th Ward, Harapanahalli Town and Taluk, Vijayanagara Dist.

2: A2. M.K. Vasim S/o M.K. Umarsab
Age: 36
7th Ward
Harapanahalli Town and Taluk
Vijayanagara Dist.

3: A3. M.K. Imran S/o M.K. Umarsab
Age: 37
7th Ward
Harapanahalli Town and Taluk
Vijayanagara Dist.

4: A4. M.K. Ejaj Ahamad S/o M.K. Umarsab
Age: 33
7th Ward
Harapanahalli Town and Taluk
Vijayanagara Dist

(Rep. by Sri. Yogananda. M- Advocate)

-V/s-

Respondent: The State by PSI, Harapanahalli P.S.
Vijayanagara Dist.

(Rep. by Public Prosecutor).

ORDERS ON BAIL APPLICATION

This Criminal petition filed by the petitioners/accused No.1 to 4 U/sec. 482 of BNSS Act (Old 438 of Cr.PC) seeking anticipatory bail in CR No.47/2026 for offences punishable u/sec. 115(2),118,118(2),352,351(2) read with section 3(5) of BNS, 2023.

2. The allegations in the FIR indicate that, on 15.02.2026 at about 7.30 p.m complainant's brother by name Suhel and one Khaja were proceeding in motorcycle on the road in front of Sun Risers Hospital,

Harapanahalli, at that time accused No.1 spread the waste items before the gujari shop, so Suhel asked him to leave the place, at that time accused No.1 abused him filthy language, assaulted on his eye with fist, accused No.2 assaulted him with rod, accused No.4 assaulted Suhel with legs, accused No.3 assaulted with rod on Imran.

3. The petitioners-accused specifically contended that they are innocent of the charges leveled against them, they are not committed any alleged offences. The petitioners are neither directly nor indirectly involved or abetted the offence. The alleged offences are not punishable with death or imprisonment for life. The petitioners are not an influential person who could tamper with the prosecution witnesses. There is no chance of their absconding, if they are let on bail as they are the permanent resident of given address. The petitioners are deeply rooted in the society and a law-abiding citizen, hails from respectable family having

movable and immovable properties. Further, petitioners are the only earning member of their family. The petitioners apprehend arrest by the respondent police. They are ready and willing to abide by any conditions. Therefore, the petitioners pray for grant of anticipatory bail.

4. The learned Public Prosecutor has opposed the bail application by filing objections contending that the petition is not maintainable either in law or on facts. The petitioners have not made out any grounds to grant bail. There is a prima-facie case against the accused regarding the alleged offences. The investigation is not yet completed and charge sheet has to be filed. If the petitioners are granted anticipatory bail, there is likelihood of absconding and tampering the prosecution witnesses. The accused may not be available for trial, that may hamper the investigation and trial of the case. Therefore, prays for rejection of the bail application.

5. Heard, both side perused the records.

6. The following points arose for my consideration.

1) Whether, petitioners/accused are entitle for bail as prayed.

2) What order?

7. My findings on the above points are as under:

Point No.1 : In affirmative.

Point No.2 : As per final order for the

following:

REASONS

Point No.1:

8. Looking at the document available on record it indicates that, on 15.02.2026 at about 7.30 p.m complainant's brother by name Suhel and one Khaja were proceeding in motorcycle on the road infront of Sun Risers Hospital, Harapanahalli, at that time accused No.1 spread the waste items before the gujari shop, so Suhel asked him to leave the place, at that time accused No.1 abused him filthy language, assaulted on his eye with fist, accused No.2 assaulted him with rod, accused No.4 assaulted Suhel with legs, accused No.3

assaulted with rod on Imran.

9. The learned Counsel for the petitioners vehemently argued that, the alleged offences are not exclusively punishable with death or imprisonment for life. The applicants are innocent of the charges leveled against them and they are respectable citizens of the country. They are permanent resident of given address having deep roots in the society and also possess landed properties. They are ready to abide by all the conditions that may be imposed by this Court, as they have to take care of their family members. If they are not granted anticipatory bail, they will be put to hardship in case of his arrest by the respondent-Police.

10. On the other hand, the learned Public Prosecutor vehemently argued that there are sufficient materials to accept prima-facie case against accused persons. The investigation is not yet completed and charge sheet has to be filed. The alleged offences are grave. If this accused persons granted bail, there is likelihood of absconding, tampering the prosecution

witnesses and destroying the documentary evidence. There is every possibility of the accused escape from the clutches of law resulting hamper in the investigation as well as the trial etc.

11. Upon going through the materials available on record it indicates that, there are case and counter cases are filed between the parties. Victim already discharged from the hospital. There is 2 days delay in lodging the FIR. The permanent residence of the petitioners at the given address not in dispute. Moreover, the alleged offences are not punishable with death or imprisonment for life. Apart from that the Hon'ble Supreme Court time and again reminded the Courts that the Courts should be slow in sending the accused behind bars in simple offences.

12. It is pertinent to note that their Lordships of Hon'ble Supreme Court in the decision reported in **2014(3) KCCR 1977 (SC) between Arnesh Kumar Vs., State of Bihar and another** was pleased to hold as under:

“Arrest brings humiliation, curtails freedom and cast scars forever. Law-makers know it so also the police. There is a battle between the lawmakers and the police and it seems that police has not learnt its lesson; the lesson implicit and embodied in the Cr.P.C. It has not come out of its colonial image despite six decades of independence, it is largely considered as a tool of harassment, oppression and surely not considered a friend of public. The need for caution in exercising the drastic power of arrest has been emphasized time and again by Courts but has not yielded desired result. Power to arrest greatly contributes to its arrogance so also the failure of the Magistracy to check it. Not only this, the power of arrest is one of the lucrative sources of police corruption. The attitude to arrest first and then proceed with the rest is despicable. It has become a handy tool to the police officers who lack sensitivity or act with oblique motive.”

The said proposition of law is squarely applicable to the case on hand. Under the facts and circumstances of this case. I am of the opinion that, the petitioners-accused have made out ground for granting anticipatory bail. The apprehension of the prosecution regarding the non-availability for trial, tampering witnesses etc., could be easily met with by imposing appropriate stringent conditions. Under the facts and circumstance of this case, I am of the opinion that petitioners-accused are entitle for bail and it is deemed fit to grant the benefit of anticipatory bail to the petitioners. Accordingly, Point No.1 is answered in the Affirmative.

Point No.2:

13. In the result, I pass the following:

ORDER

The Bail Application filed by the petitioners/accused 1 to 4 is allowed.

In the event of arrest in CR No.47/2026, the Respondent police is directed to release the petitioners/accused No.1 to 4 on bail on executing personal bond for a sum of Rs.50,000/- each with a surety for the like sum.

CONDITIONS

- 1) The petitioners shall not tamper the witness.
- 2) They shall co-operate for investigation.
- 3) The petitioners shall mark their appearance before the IO on every friday between 10 to 11 AM and attend the court and co-operate for trial.

(Dictated to the Judgment Writer directly on computer. Script thereof is corrected and then pronounced by me in the open court on this the 7th day of March 2026).

(K.M.RAJASHEKAR)

Principal District & Sessions Judge,
Vijayanagara District, Hosapete.