

KAVN010014782026



Presented on : 27-02-2026  
Registered on : 27-02-2026  
Decided on : 07-03-2026  
Duration : 10 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.151 of 2026**

**Dated this the 7<sup>th</sup> day of March 2026**

**Petitioner:/A4**

A4.C. Shivakumar alias Shivu alias Jaani S/o C  
Parashurama  
Age: 18 years, Student and working as Beladar, R/o,  
17th Ward, Near Hanumantharaya Temple,  
Chelubvadikeri, Hosapete Taluk, Vijayanagara Dist.  
**(Rep. by Sri. K.C. Sharanappa,- Advocate)**

**-V/s-**

**Respondent:** The State by PSI, Extension P.S. Hosapete.  
Vijayanagara Dist.

**(Rep. by Public Prosecutor).**

**ORDERS ON BAIL APPLICATION**

This Criminal petition filed by the petitioner/accused No.4 U/sec. 482 of BNSS Act (Old 438 of Cr.PC) seeking anticipatory bail in CR No.8/2026 for offences punishable u/sec. **109(1), 189(2), 191(2), 191(3), 115(2), 118(1), 191(1),351(1),352**, read with section 190 of BNS, 2023.

**2.** The allegations in the FIR indicate that, on 18.01.2026 at about 08.30 p.m., accused persons were sitting in KEB compound, complainant asked them why you are sitting here, at that time accused No.2 abused him in filthy language, then accused persons made unlawful assembly. Thereafter, complainant's brothers came to the spot, accused no.1 assaulted Krishna with steel punch on his head and ear and caused bleeding injury, and assaulted to Erappa on his face with steel punch.

All the accused assaulted the complainant with their hands and legs, and gave life threat to them.

**3.** The petitioner-accused specifically contended that he is innocent of the charges leveled against him, he has not committed any alleged offences. The alleged offences are not punishable with death or imprisonment for life. The petitioner is not an influential person who could tamper with the prosecution witnesses. There is no chance of his absconding, if he is let on bail as he is the permanent resident of given address. The petitioner is deeply rooted in the society and a law-abiding citizen, hails from respectable family having movable and immovable properties. Further, petitioner is the only earning member of his family. The petitioner apprehend arrest by the respondent police. He is ready and willing to abide by any conditions. Therefore, the petitioner 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 petitioner has not made out any grounds to grant bail. There is a prima-facie case against the accused regarding the alleged offences. The investigation of the case is not yet completed. If the petitioner is 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, petitioner/accused is 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 documents available on record it indicates that, on 18.01.2026 at about 08.30 p.m., accused persons were sitting in KEB compound, complainant asked them why you are sitting here, at that time accused No.2 abused him in filthy language, then accused persons made unlawful assembly. Thereafter, complainant's brothers came to the spot, accused no.1 assaulted to Krishna with steel punch on his head and ear and caused bleeding injury, and assaulted to Erappa on his face with steel punch. All the accused assaulted the complainant with their hands and legs, and gave life threat to them.

**9.** The learned Counsel for the petitioner vehemently

argued that, the alleged offences are not exclusively punishable with death or imprisonment for life. The applicant is innocent of the charges leveled against him and he is respectable citizen of the country. He is permanent resident of given address having deep roots in the society and also posses landed properties. He is ready to abide by all the conditions that may be imposed by this Court, as he has to take care of his family members. If he is not granted anticipatory bail, he 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 is not filed. The alleged offences are grave. If this accused 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 is case and counter registered between the parties. Victim/injured already discharged from the hospital. Quarrel took place on petty reason. There is one day delay in lodging the FIR. The permanent residence of the petitioner at the given address not in dispute. Moreover, the alleged offences are not exclusively punishable with death or imprisonment for life and Except Section 109 BNS, all other offences are triable by the Magistrate Court. 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 petitioner-accused has 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 petitioner-accused is

entitle for bail and it is deemed fit to grant the benefit of anticipatory bail to the petitioner. 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 petitioner/accused No.4 is allowed.

In the event of arrest in CR No.8/2026, the Respondent police is directed to release the petitioner/accused No.4 on bail on executing personal bond for a sum of Rs.50,000/- with a surety for the like sum.

**CONDITIONS**

- 1) The petitioner shall not tamper the witness.
- 2)The petitioner shall co-operate with the investigation.

3) The petitioner shall attend the court and cooperate 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 7<sup>th</sup> day of March 2026).

**(K.M.RAJASHEKAR)**

Principal District & Sessions Judge,  
Vijayanagara District, Hosapete.