



**IN THE COURT OF THE I ADDL. DISTRICT & SESSIONS
JUDGE AT KOLAR**

PRESENT

SMT.B.S. JAYASHREE, LL.M.,

I Addl. District and Sessions Judge, Kolar.

DATED THIS THE 28th DAY OF JULY, 2026

Crl. Misc. No.709/2026

PETITIONER/S

1. Nagesh
S/o.late.Muninarayanappa,
Aged about 31 years,
2. Girish S.M
S/o.late.Muninarayanappa,
Aged about 30 years,
3. Amaresh.M
S/o.late.Muninarayanappa @
Muninarayanappa,
Aged about 28 years,
4. Shyamalamma
W/o.late.Muninarayanappa,
Aged about 56 years,
All are R/o.Shettimadamangala
Village, Sugatur Hobli, Kolar Taluk.
(Rep. by **Sri.S.D.C.** Advocate,)

V/s.

RESPONDENT

: State of Karnataka by
Sub Inspector of Police,
Kolar Rural Police Station,
Kolar Taluk.

(Rep. by Smt.**K.S.Jyothilakshmi**,
Learned Public Prosecutor.)

**ORDERS ON THE BAIL APPLICATION FILED
UNDER SECTION 482 OF BNSS.**

This is a petition filed by the petitioners U/s.482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking grant of anticipatory bail for the offences punishable U/s.74, 115(2), 351(2), 352 r/w. Sec.3(5) of BNS in connection with Cr. No.314/2026 of Kolar Rural Police Station.

2. The grounds urged by the petitioners are as hereunder.

That they are innocent and have not committed any offences as alleged in the complaint. A false case has been foisted against them. There is a land dispute between the complainant and the petitioners with respect to land bearing survey No.122/2 of Shettimadamangala Village, Sugatur Hobli, Kolar Taluk and the petitioners have been allotted 10 guntas of land and due to pathway there was rivalry between them. In this aspect the complainant and her family

members are unnecessarily giving harassment to the petitioners. There is a counter case filed by the petitioner No.4 against the complainant in Cr. No.315/2026 for the offences punishable U/s.75, 115(2), 118(1), 351(2), 352 r/w. Sec.3(5) of BNS. As a counter blast they have filed this case against the petitioners. They are law abiding citizens, having deep roots in the society. The alleged offences are not punishable with death or imprisonment for life and triable by the court of Magistrate. They are the only bread earning members of the family. There is apprehension of their arrest by the respondent police. The petitioners are ready and willing to abide by the conditions that may be imposed on them by this court. Therefore, prayed for allowing the petition.

3. On the other hand, the learned prosecutor contends that there is sufficient material against the accused attracting the allegation in the police papers.

The police have registered the case against the petitioners U/s.74, 115(2), 351(2), 352 r/w. Sec.3(5) of BNS. The petitioners are absconding. Investigation is under progress. If the petitioners are released on bail they may commit similar offences, they will come in the way of trial, tampering of witnesses. The offences alleged against the petitioners are non-bailable in nature. Therefore, prayed for rejecting the bail.

4. Heard both sides.

5. The points that arise for consideration of this court are:

1. Whether the petitioners have made out reasonable and acceptable grounds for grant of anticipatory bail?

2. What order?

6. My answers to the above points are as under:

Point No.1 : In the **Affirmative**

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

REASONS

7. **Point No.1**:- A complaint is filed by the complainant against the petitioners for the offences alleged U/s.74, 115(2), 351(2), 352 r/w. Sec.3(5) of BNS before the jurisdictional police.

8. It is alleged in the complaint that, there was a civil dispute between the complainant and the petitioners with respect to land bearing survey No.122/2. They were in possession of 10 guntas of land since 6 months. On 14.07.2026 when the husband of complainant was ploughing in the land with the help of tractor bearing reg. No. KA-67-T-1774, the relatives of the complainant, who are the petitioners herein trespassed into the land and restrained the complainant. At that time Shivakumar and Nagaraj pacified them. Again at about 8.00 p.m. the petitioners came holding cricket bat, clubs and petrol, used abusive words and caused life threat.

Thereafter the petitioner No.4 assaulted her husband and son with hands and all the petitioners pushed her son to the floor and assaulted him with bat and clubs. When she attempted to rescue them, all the petitioners have assaulted her with bat, clubs and hands and caused injuries. When the husband of complainant tried to pacify, petitioner No.1 fisted on his face and caused injuries and petitioner No.2 assaulted him with club, Shivakumar and Nagaraj have pacified them. Thereafter the injured were taken to Hospital and there the statement of injured/ complainant is recorded in the Hospital by the police, basing on the said statement a case in Cr. No.314/2026 is registered against the petitioners for the aforesaid offences. The petitioners are seeking anticipatory bail in the present petition.

9. On going through the rival contentions the offences alleged against them are not punishable with

death or imprisonment for life and triable by the court of Magistrate. Investigation is under progress. The allegations in the complaint are to be adjudicated only at the time of full fledged trial. There is a civil dispute pending between the family of complainant and the petitioners. There is a counter case filed by the petitioner No.4 against the complainant in Cr. No.315/2026 for the offences punishable U/s.75, 115(2), 118(1), 351(2), 352 r/w. Sec.3(5) of BNS. On looking to the allegations custodial interrogation of the petitioners is not warranted. They are having no criminal antecedents. There is imminent threat of arrest in the hands of police. Therefore, if by imposing conditions petitioners are enlarged on anticipatory bail, it would not in any way hamper the investigation and trial of the case. Consequently, the point No.1 for consideration is answered in the '**Affirmative**'.

10. **Point No.2:-** In the result, this court proceed to pass the following:-

ORDER

The petition filed by the petitioners under section 482 of BNSS is hereby allowed.

The respondent police is hereby directed to release the petitioners on bail in the event of their arrest in Crime No.314/2026 of Kolar Rural Police Station on executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty thousand) each with one (1) surety for like sum to the satisfaction of the Investigating Officer on following conditions;

1. They shall appear before the I.O as and when called for the purpose of investigation.
2. They shall appear before the court on all the dates of hearing without fail.
3. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so

as to dissuade him from disclosing such facts to the Court.

4. They shall not threaten the prosecution witnesses in any manner.

5. They shall furnish their photo ID proof and photo ID proof of their surety.

[Dictated to the Stenographer directly on computer, typed by him and corrected by me and then pronounced in the open court on this the **28th Day of JULY, 2026**]

(B.S.JAYASHREE)
I Addl. District & Sessions Judge,
Kolar.