

IN THE COURT OF THE LXII ADDL.CITY CIVIL & SESSIONS JUDGE,
BENGALURU CITY.

Dated this the 25th day of July, 2026.

Present :

Sri. Raghavendra S. Channabasappa, B.A., LL.B (Spl).,
LXII Additional City Civil & Sessions Judge,
Bengaluru City.

Crl. Misc No.7297/2026

**Petitioner/
Accused No.2 :** Mr. Syed Sameer @ Sham
s/o Syed Anwar
aged about 24 years
r/at No. 20/2, 12th cross, 11th main
Old guddadahalli, Padarayanapura
VTC, Bengaluru South
Bangalore 560 026.
A2.

(By Peace Law Associates)

V/s.

Respondent: The State of Karnataka by
JJ nagar Police Station,
Bengaluru.
(By Public Prosecutor, Bengaluru)

ORDER

This is a petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in Crime No.152/2026 of J.J. nagar Police Station, registered for the offences punishable under

Sec. 109, 115(2), 118(1), 352 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023.

Brief Facts

2. The prosecution case, in brief, is that the complainant, Sufiyan, alleged that on the date of the incident, while he was standing near the bus stand and talking to his friend, accused Nos.1 to 3 approached him, abused him in filthy language and picked up a quarrel. It is alleged that Accused No.1 assaulted the complainant and thereafter the petitioner and other Accused assaulted the complainant with their hands. Subsequently, when the complainant proceeded towards his uncle's house, Accused No.1 allegedly assaulted him with a knife with an intention to commit his murder, causing bleeding injuries on both hands when the complainant attempted to ward off the attack. On the basis of the complaint, the above crime came to be registered and the petitioner was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated, and is a permanent resident having roots in society. It is contended that, even according to the complaint, the allegation of assault with a knife is exclusively against Accused No.1 and no overt act involving the use of any deadly weapon is attributed to the present petitioner. The petitioner has been in judicial custody since the date of his arrest. It is further submitted that the injured has already been discharged from the hospital and is out of danger. The petitioner undertakes to furnish surety, cooperate with the trial, and abide by any conditions imposed by this Court.

4. Per contra, the learned Public Prosecutor has opposed the petition contending that the investigation is still in progress, and if the petitioner is released on bail, there is every likelihood of tampering with the prosecution witnesses and absconding from the jurisdiction.

5. The point that arises for my Consideration is as under;

1. Whether the petitioner has made out sufficient grounds for grant of regular bail under Section 483 of BNSS?

2. What order?

6. My finding on the above point is **in the Affirmative**, for the following:

REASONS

7. **POINT NO.1;** The prosecution case, in brief, is that the complainant, Sufiyan, alleged that on the date of the incident, while he was standing near the bus stand and talking to his friend, accused Nos.1 to 3 approached him, abused him in filthy language and picked up a quarrel. It is alleged that Accused No.1 assaulted the complainant and thereafter the petitioner/Accused No.3 along with another accused assaulted the complainant with their hands. Subsequently, when the complainant proceeded towards his uncle's house, Accused No.1 allegedly assaulted him with a knife with an intention to commit his murder, causing bleeding injuries on both hands when the complainant attempted to ward off the attack. On the basis of the complaint, the above crime came to be registered and the petitioner was arrested and

remanded to judicial custody.

8. The learned counsel for the petitioner argued that the petitioner is innocent, has been falsely implicated, has not committed the alleged offences, has been in judicial custody since the date of his arrest, and that his further detention is not required for the purpose of investigation. That the victim got discharged from the hospital on the very next day of his admission. There is no specific overtact attributed to the petitioner.

9. On the other hand the learned Public Prosecutor has filed detailed objections contending that the allegations are serious in nature, that if the petitioner is released on bail he may abscond, tamper with the prosecution witnesses, or hamper the investigation.

10. A plain reading of the complaint discloses that the allegation of assault with a knife is specifically attributed to Accused No.1. So far as the present petitioner/Accused No.3 is concerned, the allegation is only that he assaulted the complainant with his hands. No specific overt act of using any deadly weapon or causing the grievous injuries is attributed to the petitioner.

11. The wound alleged to have been caused by the knife is attributed exclusively to another accused. The injured has already received medical treatment and is stated to be out of danger. Therefore, the apprehension that the petitioner may further endanger the life of the injured does not survive at this stage. The petitioner has been in **judicial custody since the date of his arrest**. His continued incarceration is not warranted merely as a measure of punishment before trial. The

investigation has substantially progressed and the prosecution has not demonstrated that the further custodial detention of the petitioner is indispensable for the purpose of investigation. The mere fact that another accused is absconding cannot, by itself, be a ground to indefinitely deny bail to the present petitioner, whose individual role has to be assessed independently.

12. It is also brought to the notice of the Court that **Accused No.3 has already been enlarged on bail** by the competent Court. Though parity alone is not a ground for grant of bail, the same is a relevant circumstance to be taken into consideration, particularly when there is no material showing that the role attributed to the present petitioner is substantially different so as to deny similar relief.

13. The Hon'ble Supreme Court in **Sanjay Chandra v. CBI**, (2012) 1 SCC 40, has held that the object of bail is to secure the appearance of the accused during trial and that detention before conviction should not be resorted to unless it is shown to be necessary. Similarly, in **Satender Kumar Antil v. CBI**, (2022) 10 SCC 51, the Hon'ble Supreme Court reiterated that **bail is the rule and jail is the exception**, and that prolonged incarceration before conclusion of trial should ordinarily be avoided where the investigation has substantially progressed and the presence of the accused can be secured through appropriate conditions.

14. The apprehension of the prosecution that the petitioner may tamper with the prosecution witnesses or abscond can be adequately safeguarded by imposing stringent conditions. Accordingly, considering

the nature of allegations, the limited role attributed to the petitioner, the absence of any allegation regarding use of a deadly weapon by him, the fact that the injured is out of danger, the petitioner's continued judicial custody since his arrest, and the settled principles governing grant of bail, this Court is of the considered opinion that the petitioner has made out a fit case for grant of regular bail. Accordingly point for consideration is answered in the **Affirmative**. In the result this Court proceed to pass the following;

ORDER

The petition filed by the petitioner/Accused No.2 under Section 483 of the Bharatiya Nagarika Suraksha Sanhita, 2023, is **allowed**.

The petitioner/Accused No.2 shall be released on regular bail in Crime No.152/2026 of J.J. Nagar Police Station, subject to the following conditions:

1. The petitioner shall execute a personal bond for a sum of **₹1,00,000/- (Rupees One Lakh only)** with one **local surety** for the like sum to the satisfaction of the jurisdictional Court.
2. The petitioner shall not directly or indirectly threaten, induce, influence, or tamper with the prosecution witnesses or evidence.
3. The petitioner shall cooperate with the Investigating Officer whenever his presence is required.
4. The petitioner shall appear before the trial Court on all dates of hearing unless exempted in accordance with law.

5. The petitioner shall not leave the jurisdiction of the trial Court without prior permission until the filing of the charge-sheet, except for genuine reasons.
6. The petitioner shall furnish his residential address and mobile number to the Investigating Officer and shall intimate any change thereof immediately.
7. The petitioner shall not involve himself in any offence of a similar nature during the pendency of the case.
8. In case of violation of any of the above conditions, the prosecution is at liberty to seek cancellation of bail in accordance with law.

Accordingly, the petition stands **allowed**.

(Dictated to the Stenographer Grade-I directly on computer, script thereof corrected, signed and then pronounced by me in the Open Court on this the 25th day of July, 2026.)

(Raghavendra S. Channabasappa)
LXII Addl. City Civil & Sessions Judge,
(CCH-63), Bengaluru.