

KABC010266702025



**IN THE COURT OF THE LXIX ADDL. CITY CIVIL &
SESSIONS JUDGE, BANGALORE (CCH-70)**

Dated this the 9th day of February, 2026

-:PRESENT:-

Smt. Shirin Javeed Ansari, B.A.,LL.B(Hon`s), LL.M.
LXIX Addl. City Civil and Sessions Judge,
City Civil Court, (CCH 70).

S.C.No.1376/2025

Complainant: **State of Karnataka by
Yelahanka Police Station,
Bengaluru.**

(By learned Public Prosecutor)

-- VS --

Accused No.1: Sri Suresh s/o Ramanjinaiah
Aged about 19 years
r/o No.Nil, C/o Rajanna House
Opp: St. Sofi School
6th Cross
Papanna Layout
Yelahanka
Bengaluru City

Accused No.9:- Syed Mehaboob @ Maru

s/o Mahammed Haleef

Aged about 34 years

3rd Cross, 3rd Main

Yelahanka

Bengaluru

**(Sri. S.R.Raghavendra, Advocate for
accused)**

ORDER

This Court has carefully considered the bail application filed by accused Nos.1 and 9 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the objections filed by the prosecution, and the entire material placed on record, including the charge sheet papers. Heard the learned counsel for the applicants–accused and the learned Public Prosecutor for the State.

2. The prosecution case, in substance, is that the Yelahanka Police Station have registered the above case against accused Nos.1 and 9, along with other accused persons, for the alleged offences punishable under Sections 109(1), 118(1), 115(2), 352 read with Section 3(5) of the

Bharatiya Nyaya Sanhita. The accused Nos.1 and 9 were arrested on 28.06.2025 and have been in judicial custody for more than six months. The investigation is now completed and the charge sheet has already been filed before the jurisdictional court, and the case is exclusively triable by this Court.

3. It is contended on behalf of accused Nos.1 and 9 that they are innocent and have been falsely implicated; that there is no prima facie material to connect them with the alleged offences; that there is a delay of one day in lodging the complaint; that the complainant had taken only outpatient treatment and was discharged on the very same day, and the wound certificate discloses only simple injuries. It is further urged that co-accused Nos.2 to 7 have already been enlarged on bail by the Hon'ble High Court of Karnataka in various criminal petitions, and accused No.2 has also been granted bail in S.C. No.1719/2025. The applicants submit that the offences alleged are not punishable with death or imprisonment for life, that they are permanent residents of Bengaluru, law-abiding

citizens, and that they are ready to abide by any conditions imposed by this Court.

4. The prosecution has opposed the application contending that the bail petition is not legally maintainable; that the allegations are grave in nature; and that if the accused are released on bail, there is a likelihood of their absconding, threatening witnesses, tampering with evidence, or harassing the complainant. It is urged that the charge sheet material may be considered while rejecting the bail application.

5. Heard the learned counsel for the accused and the learned Public Prosecutor and perused the material available on record.

6. The following points arise for consideration:

1. Whether accused Nos.1 and 9 have made out a case for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023?

2. What order?

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

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

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

REASONS

8. **POINT No.1:-** The jurisdiction of this Court under Section 483 of the BNSS is discretionary, but such discretion is required to be exercised on well-recognized principles governing grant of bail. The fundamental postulate of criminal jurisprudence is the presumption of innocence until guilt is proved after a full-fledged trial. Pre-trial detention is not to be used as a substitute for punishment.

9. In the present case, it is not in dispute that accused Nos.1 and 9 have been in judicial custody since 28.06.2025, i.e., for more than six months. The investigation has been completed and the charge sheet has been filed. Once the investigation is over, the scope for the accused to interfere with the investigation substantially diminishes. The prosecution has not placed any specific material to demonstrate that these accused have, in the

past, attempted to influence witnesses or tamper with evidence.

10. The nature of injuries sustained by the complainant, as reflected in the wound certificate, indicates that the injuries are simple in nature and that the complainant was treated as an outpatient and discharged on the same day. This circumstance, though not determinative of guilt or innocence, is a relevant factor while assessing the gravity of the alleged offence for the limited purpose of bail.

11. Another significant circumstance is that co-accused Nos.2 to 7 have already been enlarged on bail by the Hon'ble High Court of Karnataka, and accused No.2 has been granted bail even after committal of the case. The principle of parity assumes importance in such situations. In the absence of any distinguishing material showing that accused Nos.1 and 9 stand on a worse footing than the co-accused already on bail, denial of bail to them would result in unequal treatment.

12. The offences alleged against accused Nos.1 and 9 are not punishable with death or imprisonment for life. They are stated to be permanent residents of Bengaluru, having roots in society. The apprehension expressed by the prosecution that the accused may abscond or threaten witnesses is general in nature and not supported by any concrete material. Such apprehensions can be effectively addressed by imposing appropriate and stringent conditions.

13. This Court is also mindful of the constitutional mandate under Article 21 of the Constitution of India, which guarantees personal liberty. Prolonged incarceration of the accused as under-trials, particularly when the trial is yet to commence and the investigation is already complete, would amount to an unjustified deprivation of liberty.

14. Having regard to the totality of circumstances—namely, the period of custody already undergone, completion of investigation, nature of injuries, absence of antecedents, grant of bail to co-accused, and the fact that

the offences are not punishable with death or life imprisonment—this Court is of the considered view that accused Nos.1 and 9 have made out a fit case for grant of bail under Section 483 of the BNSS. Accordingly, the point for consideration is answered in the **affirmative**.

15. **Point No 2:-** In view of the reasons assigned above, I proceed to pass the following:

ORDER

The bail application filed by accused Nos.1 and 9 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is **allowed**.

Accused Nos.1 and 9 shall be enlarged on bail in the above case, subject to the following conditions:

a) Each of the accused shall execute a personal bond for a sum of ₹1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of this Court.

b) The accused shall regularly appear before this Court on all dates of hearing unless exempted for valid reasons.

c) The accused shall not directly or indirectly threaten, induce, or influence any

prosecution witness, nor shall they tamper with the prosecution evidence.

d) The accused shall not involve themselves in any offence of similar nature during the pendency of the trial.

e) The accused shall furnish proof of their residential address and shall inform this Court of any change of address.

f) Violation of any of the above conditions shall entail cancellation of bail.

(Dictated to the SG-I, directly on computer, typed by him, same is corrected, signed and then pronounced by me in open court on this the 9th day of February, 2026)

(Shirin Javeed Ansari)
LXIX Addl.C.C. & Sessions Judge,
Bengaluru (CCH-70)