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**IN THE COURT OF THE
VII ADDITIONAL SESSIONS JUDGE, AT
MYSURU.**

Dated this the 30th day of September, 2025

Present :

Sri M.Ramesha, B.A. LLM.,
VII Additional District and Sessions Judge,
Mysuru.

Crl.Misc. No.1407/2025

Petitioner :- Erappa H.M.
S/o late Marigowda,
Aged about 45 years,
R/o Hitnahalli Koppalu
Village, Malavalli Taluk,
Mandya District.

(Sri.H.Nagaraju - Advocate)

V/s

Respondent :- State by Bannur Police Station,

**(Rep. By Public Prosecutor,
Mysore)**

ORDERS

This petition is filed under Section 483 of B.N.S.S, 2023, praying to enlarge the accused on regular bail in Crime No.93/2025 for the offences punishable under Sections 329(4), 109, 118(1), 351(2)(3), 115(2) of B.N.S, 2023.

2. The brief facts of the case in nutshell as per FIR/ complaint registered by the respondent police is that, ಈ ಪ್ರಕರಣದ ಆರೋಪಿಯು ಮಂಡ್ಯ ಜಿಲ್ಲೆ, ಕಿರುಗಾವಲು ಹೋಬಳಿ, ಮಿಕ್ಕರೆ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.201/3, 201/4 ರಲ್ಲಿ 2 ಎಕರೆ ತಮ್ಮ ಜಮೀನನ್ನು ಫಿರ್ಯಾದಿಯು ಮೋಸ ಮಾಡಿ ಖರೀದಿ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ ಎಂಬ ವಿಚಾರದಲ್ಲಿ ದ್ವೇಷವಿಟ್ಟುಕೊಂಡು ಬನ್ನೂರು ಪೊಲೀಸ್ ಠಾಣೆ ವ್ಯಾಪ್ತಿ ಸಿ.ವಿ.ಕೊಪ್ಪಲು ಗ್ರಾಮದ ಫಿರ್ಯಾದಿಯವರ ತೋಟದ ಮನೆಯ ಬಳಿಗೆ ದಿನಾಂಕ 11.05.2025 ರಂದು ರಾತ್ರಿ 2.00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಸಾಕ್ಷಿ-6 ರವರ ಕೆಎ-11 ಇಎಂ-2282 ಬಜಾಜ್ ಡಿಸ್ಕವರ್ ಮೋಟಾರ್ ಸೈಕಲ್‌ನಲ್ಲಿ ಹೋಗಿ ಯಾರಿಗೂ ಗುರುತು ಕಾಣದ ಹಾಗೆ ತನ್ನ ತಲೆಗೆ ಹೆಲ್ಮೆಟ್ ಹಾಕಿಕೊಂಡು ತನ್ನ ಜೊತೆಯಲ್ಲಿ ಕಾರದ ಪುಡಿ ಹಾಗೂ ಚಾಕುವನ್ನು ತೆಗೆದುಕೊಂಡು ಹೋಗಿ ಫಿರ್ಯಾದಿಯವರ ಮನೆಯ ಮುಂಭಾಗದ

ಹಜಾರಕ್ಕೆ ಅಕ್ರಮ ಪ್ರವೇಶ ಮಾಡಿ, ಮನೆಯ ಮುಂಭಾಗದ ಹಜಾರದಲ್ಲಿ ಮಲಗಿದ್ದ ಫಿರ್ಯಾದಿಯವರ ತಮ್ಮ ಸಾಕ್ಷಿ-2 ರವರು ಹೊದ್ದುಕೊಂಡಿದ್ದ ರಗ್ಗನ್ನು ಎಳೆದು, ಎಚ್ಚರವಾದ ಸಾಕ್ಷಿ-2 ರವರ ಮುಖಕ್ಕೆ ಕಾರದಪುಡಿಯನ್ನು ಎರಚಿ ತನ್ನ ಕೈಯಲ್ಲಿದ್ದ ಕಬ್ಬಿಣದ ಹಿಡಿ ಇರುವ ಚಾಕುವಿನಿಂದ ಸಾಕ್ಷಿ-2 ರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ಕತ್ತಿನ ಎಡಭಾಗಕ್ಕೆ ಕುಯ್ದು ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವನ್ನುಂಟು ಮಾಡಿರುತ್ತಾನೆ. ಆಗ ಸಾಕ್ಷಿ-2 ರವರು ಜೋರಾಗಿ ಕಿರುಚಿಕೊಂಡಾಗ ಅದೇ ಹಜಾರದಲ್ಲಿ ಇನ್ನೊಂದು ಬದಿಯಲ್ಲಿ ಮಲಗಿದ್ದ ಫಿರ್ಯಾದಿ ಮತ್ತು ಸಾಕ್ಷಿ-3 ರವರು ಹೆಲ್ಮೆಟ್ ಹಾಕಿದ ಆರೋಪಿಯನ್ನು ಹಿಡಿದು, ಹೆಲ್ಮೆಟ್ ಎಳೆದು ಆರೋಪಿಯನ್ನು ನೋಡಿದ್ದು, ಆಗ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ಮತ್ತು ಸಾಕ್ಷಿ-3 ರವರಿಗೆ 'ನಿಮ್ಮನ್ನು ಈ ದಿನ ಬಿಡುವುದಿಲ್ಲ ನಿಮ್ಮನ್ನು ಕೊಲೆ ಮಾಡಲೆಂದೇ ಬಂದಿರುತ್ತೇನೆ' ಎಂದು ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿ ಸಾಕ್ಷಿ-2 ರವರ ಬಲಕೈಗೆ, ಎಡಮೊಣಕೈಗೆ, ಎರಡೂ ಮಂಡಿಗಳ ಕೆಳಭಾಗಕ್ಕೆ ಚಾಕುವಿನಿಂದ ಚುಚ್ಚಿ ರಕ್ತಗಾಯ ಮಾಡಿ ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವನ್ನುಂಟು ಮಾಡಿದ್ದು, ಆಗ ಇದನ್ನು ತಡೆಯಲು ಹೋದ ಸಾಕ್ಷಿ-1 ಮತ್ತು 2 ರವರನ್ನು ಆರೋಪಿಯು ತಳ್ಳಿದಾಗ ಮನೆಯ ಮುಂಭಾಗದ ಒಪ್ಪಾರದ ತೆಂಗಿನ ಗರಿಯ ದಿಂಡು ಸಾಕ್ಷಿ-3 ರವರ ಎಡಹುಬ್ಬಿನ ಬಳಿಗೆ ಮತ್ತು ತಲೆಯ ಎಡಭಾಗಕ್ಕೆ ತಗುಲಿ ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವಾಗಿದ್ದು, ಕೈಯಿಂದ ಹೊಡೆದು ತಳ್ಳಿದಾಗ ಸಾಕ್ಷಿ-1 ರವರು ಕೆಳಗೆ ಬಿದ್ದು ಮಂಡಿಗಳಿಗೆ ಮತ್ತು ಎದೆಗೆ, ಕುಂಡಿಗೆ, ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವಾಗಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟ ಮೇರೆಗೆ ಆರೋಪಿತನ ವಿರುದ್ಧ ಕಲಂ 329(4), 109, 118(1), 351(2)

(3) ಬಿ.ಎನ್.ಎಸ್ ರೀತ್ಯಾ ದೋಷಾರೋಪಣಾ ಪತ್ರ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ. (ಕ್ರೈಂ ನಂ.93/2025, ಸಿ.ಸಿ.ನಂ.1295/2025).

3. **GROUND FOR BAIL:** The petitioner is an innocent of the alleged offences. He never made any attempt to commit murder of Puttaswamy who is the younger brother of complainant. The alleged incident happened on 11.5.2025 2.00 am. The complaint is lodged on 11.05.2025 6.00 p.m. there is 16 hours delay. This clearly shows every concoction and creation of the complaint. Delay is not explained in the complaint. There is Civil dispute in respect of land bearing Sy.No.201/3 and 301/4 measuring 2.00 acres purchased from Late Kamma and as such civil suit is pending between Devaraju, Erappa (petitioner) and Complainant Mahadeva. On that grudge, the complainant has filed the false complaint against the petitioner. In the mid night 2.00 a.m the complainant and

Santhoshkumar came out the house, they may rescue his brother Puttaswamy, because they watched a person stopped bike and came near Puttaswamy, by that time the complainant and Sampathkumar may be made hue and cry. But the complaint averments shows that after removing the bedsheet, throwing Chilly powder and attempted to assault with knife cannot be believed during night hours. This will clearly shows the alleged attempt is false and it is concocted and created one. There is a civil dispute between the complainant and the petitioner, his brothers H.M.Devaraju, Shivaramu and Vinoda in OS.No.540/2022 filed by the T.E.Mahadeva and T.E.Veerabhadra for grant of permanent injunction. On that grudge, false complaint has been filed against the accused. The petitioner/accused is working at B.M.T.C at Bengaluru as Conductor and he never attempted to kill the said Puttaswamy and it is concocted and created story. The petitioner is hails from respectable

family. There are no criminal antecedents against the petitioner. The injured Puttaswamy already discharged from the hospital taking treatment from K.R.Hospital, Mysore who is out of danger. The petitioner undertakes to abide all the conditions that may be imposed by this court and he ready to co-operate with the investigating officer in his investigation. The petitioner is permanent resident of Hitnahalli Koppalu village, Malavalli Taluk, Manday District. He having movable and immovable properties and fleeing away from justice is very remote. The petitioner is ready to furnish surety to the satisfaction of the court and petitioner is in judicial custody from 12.05.2025 and he is a government servant and his custody is continued, it will affect the petitioner job and hence it is necessary to grant bail to the petitioner. Earlier the petitioner was filed bail petition U/sec.483 of BNSS, 2023 in Crl.Misc.770/2025 and same was dismissed on 04.06.2025 on the ground that

investigation is not yet completed. The petitioner is suffering from right knee joint pain and as such the Jail Authorities have subjected the petitioner for medical check up and he was operated by the doctor. As such he wants to get aid of another person to move for any of his basic attendants. The petitioner has to take bed rest for the said knee joint operation and also to take care the assistance of a person to get follow up treatment to his right knee. As such it is very much necessary to release the petitioner on regular bail. The petitioner is only bread earning member of his family and his family is entirely depending upon the income of the petitioner and nobody is there to lookafter his family members. Among other grounds it is prayed to allow the bail petition.

4. Per contra the learned Public Prosecutor filed objection and seriously opposed the bail petition.

5. The complainant has filed application U/sec.338(2) of BNSS, 2023 praying to permit him to engage the counsel to assist the Public Prosecutor in this case. After hearing, the said application was allowed and complainant is permitted to engage the counsel on his behalf to assist the Public Prosecutor.

6. Heard the arguments of learned counsel for the petitioner/accused and learned Public Prosecutor.

7. The learned Public Prosecutor in support of her submission has relied on decision of Hon'ble Apex Court reported in 2011(3) SCC (Cr) Page No.765. Further the learned counsel for complainant produced written argument and also medical records of photos of injured persons.

8. Now the points that arises for my consideration are as under :-

1. Whether the petitioner has made out a prima-facie ground to enlarge him on regular bail under Section 483 of B.N.S.S as prayed for?
2. What order?

9. The findings of this Court to the aforesaid points are;

Point No.1 : In the **Negative**,

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

REASONS

10. **POINT NO.1** : The learned counsel for petitioner/accused vehemently argued that the earlier bail petition filed by the accused was dismissed on the ground that investigation is not yet completed. Now the investigation is already completed and charge sheet has been filed before the Committal Court. Hence, accused is no more required for custodial interrogation. Further he submitted that accused is suffering from knee pain and he

need the medical treatment. Further he submitted that accused is working at B.M.T.C at Bengaluru as Conductor, if he is not released on bail he will be put to untold hardship.

11. The learned Public Prosecutor vehemently argued that the charge sheet materials are clearly establish the prima facie case to attract the ingredients of the offence alleged against the accused, particularly the offence U/sec.109 of BNS attempt to murder. Further she submitted that, the photos furnished by the complainant through his counsel are clearly establish that accused is assaulted 3 persons with knife. He also assaulted on the neck and inflicted the cut injury on the neck of the victim, luckily he was escaped from life threat. Further learned Public Prosecutor submitted that the manner in which the accused conspired the crime and committed crime during night at about 2.00 P.M and assaulted the brother of complainant throwing Chilly powder on his face while the

victim in deep sleep that itself is establish the intention of the accused that he attacked the victim/CW.2 with an intention to kill him. Further it is submitted that, accused is a government employee and the injured persons are agriculturist. Only on the ground that complainant purchased land, accused made plan to kill the victim. If the accused is enlarged on bail there is a threat to the life of the complainant and his brother who is seriously injured and there will be chances of tampering the prosecution evidence. Accordingly, the learned Public Prosecutor prays to reject the bail petition until recording of testimony of complainant and injured persons.

12. In the complaint it is alleged that land bearing Sy.No.201/3, 201/4 measuring 2 acres situated at Kirugavalu Hobli has been purchased by the complainant from one late Kamma. In this regard there is a civil dispute between the complainant and H.M.Devaraju and his

younger brother H.M.Erappa (accused) and there was a galata took place 3-4 times. In this regard, the complaint was lodged and there was a grudge against the complainant and his brother. That on 10.05.2025 after having food the complainant has come to his house along with his family members and his younger brother Puttaswamy. The complainant younger brother Puttaswamy was slept on the pail of his house. At about 2.00 AM dogs were barking as such complainant and Ananthkumar came out the house and a person who came in a bike has stopped the bike at a distance and by wearing helmet holding a knife came near house where his brother Puttaswamy was slept and removed the bed sheet and poured chilly powder on the face of Puttaswamy and assaulted with the knife on left side of the neck of Puttaswamy. By that time, Puttaswamy was made hue and cry. Immediately complainant and Ananthkumar held the assailant and removed the helmet.

Then they came to know that the assailant is the accused Erappa. The accused was threatened them that he will kill them with knife and also assaulted Ananthkumar with knife and caused injury. The accused also assaulted the complainant and pushed him and caused injury on his both knee. At that time on hearing the galata sound peoples were gathered and pacified the quarrel. Then accused went away from the spot by threatening the complainant and his brother to take away their life.

13. It is relevant to note that the photos produced by the prosecution clearly reveals the injuries inflicted by the accused to the brother of complainant. No doubt the photos were clearly reveals that the injured persons was brutally assaulted on his neck, hand and caused lacerated wound and the cloths worn by the injured were fully blood stained. Further another photo reveals that, there was a chilly powder on the pillow and mat where injured was said

to have been sleeping. Further it is to be noted that in the bail petition at para No.9 it is clearly admitted that injured Puttaswamy already discharged from the hospital taking treatment and he is out of danger. From this it clearly shows that the Puttaswamy was got injuries on his body as visible from the photos produced by the Public Prosecutor along with objections is not disputed by accused. It is relevant to note that as per the allegations made in the complaint, during night time at about 2.00 AM accused was came on a motorbike wearing helmet and thrown the chilly powder on the face of victim/Puttaswamy and assaulted with knife. No doubt on going through the photos of injured person it shows that the manner in which the accused assaulted the injured on the neck with knife will shows the intention of the accused that he was assaulted the injured with an intention to kill the victim. Further on seeing the injury caused to the injured on his neck it shows that the

injured was luckily survived. If the injury was inflicted little bit deeper then definitely the injured would have been died.

14. Further it is to be taken into note that in the bail petition itself it is contended that there is a civil dispute between complainant and accused person as per OS.No.540/2023 with respect to the Sy.No.201/3 and 301/4 measuring 2 acres. From this it shows that the motive behind the crime. Further, it is to be noted that in the complaint it is clearly stated that accused came on a motor bike wearing helmet and thrown the chilly powder on the face of Puttaswamy who is sleeping and assaulted him, at that time the complainant and another was caught the accused and on removing the helmet, they came to know that the culprit is none other than the accused who assaulted the brother of complainant because of the ill-will that complainant has purchased the land of two acres in Sy.No. 201/3 and 301/4.

15. It is relevant to note that in a case like this while considering the bail application the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.

16. The counsel for accused vehemently argued that investigation is completed and charge sheet has been filed, hence accused is entitled for grant of bail. Now the question that would arises whether completion of investigation and filing of charge sheet is a sole ground to grant bail. In this regard, it is relevant to refer the decision of Hon'ble Apex Court in a decision reported in **(2017) 2 SCC (Crime) 542**

in case of Virupaksha Gowda and others Vs. State of Karnataka and others wherein it is observed that, a bail application cannot be allow solely or exclusively on the ground that the fundamental principal of criminal jurisprudence is that the accused is presumed to be innocent till he is found guilty by the competent court. Further it is observed that while granting bail, court has to consider the nature of acquisition and severity of the punishment in-case of conviction, reasonable apprehension of tampering with witness or apprehension of threat to complainant and prima facie satisfaction of court in support of charge. Further it is observed that when a charge sheet is filed it amounts to change of circumstances. Needless to say, filing of charge sheet does not in any manner lessen the allegation made by the prosecution. On the contrary, filing of charge sheet establish that after due investigation

the investigating agency, having found material has placed the charge sheet for trial of the accused person.

17. Further the ***Hon'ble Apex Court in another decision reported in (2013) 7 SCC 452-(2013) 3 SCC (Cr) 563 in case of CBI Vs. Vijay Sayee Reddy*** it is observed that, the court dealing with the grant of bail can only satisfy has to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage to have the evidence establishing the guilt of the accused beyond reasonable doubt.

18. Keeping in mind the law laid down by the Hon'ble Apex Court in the decision supra, on a careful perusal of the charge sheet materials and considering all the aspects of the matter in question, it is to be noted that the manner in which the accused has committed the crime during night

time at about 2.00 P.M by throwing chilly powder and assaulting with knife when the injured persons were sleeping, this will clearly shows the motive behind the crime. Further on carefully going through the nature of injuries inflicted by the accused as visible in the photos produced by the complainant and also admission made by the accused that the injured was taken treatment at K.R.Hospital and he was discharged from the Hospital will establish the injuries sustained by the brother of complainant. Further on perusal of the discharge summary produced by the complainant it shows that injured Puttaswamy was admitted to General Hospital at T.Narasipura on 15.05.2025 and discharged on 25.06.2025 from this it shows that the injured was hospitalized more-than 10 days, which shows the seriousness of the injuries sustained by the injured. No doubt on carefully considering all the aspects of the matter in question and on perusal of

the charge sheet material, this court is of the considered view that the apprehension of the prosecution that if the accused is enlarged on bail there is a reasonable apprehension of the witness being tampered with and there is a threat to the life of complainant and injured cannot be easily brush aside. No doubt under the facts and circumstances of the case on hand and the manner in which accused has alleged to be committed the offence, this court is of the opinion that, this is not a fit case to enlarge the accused on bail until recording of testimony of CW.1 to 3 i.e., complainant, injured and eye witness. Consequently, I answer Point No.1 in the **Negative**.

19. **POINT NO.2:** In view of the above findings and reasons on point No.1, this Court proceeds to pass the following;

ORDER

The petition filed by the petitioner under
Section 483 of BNSS is hereby dismissed.

[Dictated to the Stenographer Gr-III, transcript corrected and pronounced by me in
the Open Court on this the **30th day of September, 2025**]

[M.Ramesha]
VII Additional Sessions
Judge, Mysuru.

Order pronounced in the open Court
[vide separate order].

ORDER

Bail The petition filed by the
petitioner under Section 483 of
BNSS is hereby dismissed.

VII Addl. Sessions Judge,
Mysuru.