

KABG420007472026



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc.,L.L.B,
VII Addl. District & Sessions Judge,
Belagavi sitting at Chikodi.

DATED THIS THE DAY OF 23rd JUNE, 2026

Crl. Misc.No.5237/2026

PETITIONERS/S

Siddappa Vithal Ramapure,
Age: 41 years, Occ: Agriculturist,
R/o: Basapur village in Hukkeri
Taluk.

[By: Sri.S.R. Magadum, Advocate]

V/s

RESPONDENT:

State by **Yamakanamardi P.S.**

(By Public prosecutor)

**ORDERS ON REGULAR BAIL PETITION FILED BY THE
PETITIONER/ ACCUSED U/S 483 OF BNSS, 2023.**

This petition is filed under Section 483 of BNSS, 2023
for regular bail, by the accused in Crime No.207/2025

registered by Yamakanmaradi Police Station for the offence punishable U/Sec.103(1), 238(A), and 351(2) of BNS.

2. The gist of the prosecution case is that:-

the accused and deceased Basalinga Ramapure are own brothers. Deceased Basalinga Ramapure was addicted to drinking alcohol. The accused and deceased both of them having 4 acre land which is not divided among them. On 18-12-2025 deceased Basalinga came with drunken condition at 8 a.m., near the house of accused and loudly stated that accused should not come to tie with the cattle, when the accused was picking up the stone placed on the ground in the cattle tie. Then accused went to ask but the deceased asked the accused that 4 acre land should be transferred to his name. To that the accused stated that he would not transfer the land to his name and he fought with him in angry mood, with an intention to kill him the accused took bamboo stick, beaten on the head, forehead, face, back, shoulder, arms and legs. When the deceased Basalinga fell down, the accused sat on his back and holding the deceased

head throwing deceased head to a stone and killed him. In order to hide the murder, he gave threat to the deceased wife Veena stating that to gave false report to the police saying that he had fallen from roof and died. Otherwise he would not give property to her and also did not leave her and her children alive. Therefore scaring the accused threat the deceased wife gave false report to the police. Later the accused mother gave a complaint alleging that the accused committed murder of her another son Basalinga. Based on the said complaint police registered the case, started investigation, recorded voluntary statement of accused, recovered the material objects and after investigation filed charge sheet.

3. In the petition, the petitioner sought bail on the ground that, the entire case of the prosecution against the present accused is based purely on circumstantial evidence. There is no direct evidence. The prosecution has failed to establish an unbroken chain of circumstances pointing exclusively towards the guilt of petitioner. Deceased

Basalinga had sustained injuries on account of fall from the roof in a drunken condition. Initially police registered UDR on the report of deceased wife. Later the police have got concocted a false complaint alleging that accused murdered his brother. There is an inordinate delay in filing the complaint after concocting false story. All relevant inquiries have been completed. There is no requirement for his presence to further investigation. On these grounds, the petitioner requests to allow the petition.

4. The learned P.P. filed objection by stating that at this stage, if bail is granted to the petitioner there are chances of threatening the witnesses and also absconding, the accused has not mentioned the compelling reasons and has not submitted any documents to grant bail. If the accused released on bail, it will wrong message to the society and also chances of threatening the prosecution witnesses. The accused was filed bail petition in Cri.Misc.No. 5030/2026 and it was dismissed by this court. Now the

accused not shown changed circumstances to grant bail. On these grounds, prayed to reject the bail petition.

5. Heard arguments on both sides. The following points that arise for my consideration;-

1. Whether the petitioner/accused has made out sufficient grounds to grant bail?
2. What order?

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

Point No.1:-In the negative,

Point No.2:-As per my final order:

∴ REASONS ∴

7. **Point No.1:-** It is the case of the prosecution that the deceased is the own brother of accused and there was a dispute regarding partition of the ancestral property. In this regard there was a scuffle between these two brothers and the accused beaten with the bamboo stick on the head of deceased and holding deceased head throwing to a stone and committed murder of him. After committing murder he also gave threat to deceased wife to submit false report to the

police stating that the deceased had fallen from roof of the house and died in the spot. After investigation the police submitted charge sheet alleging that there are sufficient materials for proof of committing murder by the accused.

8. Then the accused was arrested and remanded to JC on 28.12.2025. The counsel for accused submitted that the accused is innocent and he is in judicial custody from the date of arrest. The accused has no criminal antecedents and he will abide by any conditions if this court grant bail. The accused having movable and immovable properties in his village and having wife and children. Only on the suspicion false complaint is registered and the police not properly investigated the case and they have coloured the natural death into murder. On these grounds he prayed to allow the petition and enlarge the accused on bail. He further argued that if the accused keep behind the bar it amounts to pre-conviction of the accused. In support of his arguments learned counsel relied on the judgments reported in (a) 2013(4) KLJ 157 in the case of Irappa Shivalingappa Pavadi

V/s. State by Kulagod police station, (b) C. Manjunath V/s. State of Karnataka in Cri. Petition No. 2011/2024, (c) 2011 SAR Criminal 188 in the case of State of Kerala V/s. Dr. Raneef, (d) 2006 (3) Crimes 598 in the case of Amit Jogi V/s. State of Chattisghar. In all the above decisions the Hon'ble Apex court and High Courts held that after completion of investigation accused not required for investigation and pre-trial detention is bad in law. Opportunity should be given to the accused to prepare his defence accordingly granted bail in murder case.

9. It is well settled that while considering the bail application merits of the case could not be considered. At this stage if the accused is released on bail then there are chances of absconding from the jurisdiction of this court which will hamper the trial. Further there are chances of threatening the prosecution witnesses. The complaint and charge sheet averments itself discloses that, the accused gave life threat to the deceased wife Veena to inform the police that her husband died after falling from roof. This

evidence clearly discloses that there is apprehension of the prosecution that the accused if released on bail he will threaten the prosecution witnesses. Merely because the accused is in judicial custody for more than five months is not a ground to exercise discretionary power under section 483 of BNSS to grant bail.

10. While granting or rejecting bail, the court has to look into the fact that whether there is prima-facie case against petitioners; any chance of tampering and threatening prosecution witnesses and absconding or fleeing and likelihood of the offence being repeated and influencing the witness. Filing of charge-sheet substantiates the contention of prosecution, because there is prima-facie material against the petitioner and hence he is charge sheeted.

11. Their lordships in a decision reported in *Prasanta Kumar Sarkar vs. Ashis Chatterjee* {2010(14) SCC 496, issued guidelines for considering the bail petition in a heinous crime. Accordingly, their lordships have laid down principles that the court has to consider whether there is a

prima-facie case or reasonable ground to believe that the accused had committed the offence, nature and gravity of the offence, severity of the punishment in the event of conviction, danger of the accused, absconding or fleeing. Their lordships have also held in the case (Virupaksha Gouda V/s State of Karnataka) AIR 2017 SC 1685 held that:- submission of charge-sheet is not a ground to grant bail in favour of the accused.

12. The materials placed before the court at this stage establishes a prima-facie case against the accused and his overt Act. The allegations made against the accused has to be proved during trial. When there are sufficient materials available in the charge-sheet establishing a prima-facie case against him, then he is not entitled for a regular bail. Applying these parameters to the facts and circumstances of the present case, admittedly, a trial is in begin, if the bail is granted in murder case, it will cause irreversible damage to the administration of justice, and the faith of the society at large in the efficacy and credibility of the criminal justice

system will stand eroded and shattered. Therefore, I am of the opinion that the petitioner is not entitled for the grant of bail.

13. Applying the above principle there is a specific allegation made in the charge sheet that accused beat the deceased with bamboo stick and thrown his head to the stone till his death. There is an overact of accused while murdering the deceased. For the above reasons, this Court holds that, the Accused is not entitled to bail. Accordingly, I answered point No.1 in the '**Negative**'.

14. Point No.2: For the reasons given to point No.1, I proceed to pass the following:-

ORDER

The petition filed by the petitioner/accused
U/Sec. 483 of BNSS is rejected.

(Dictated to the Stenographer directly on computer, transcribed and typed by her, corrected by me and then pronounced in the open Court on this the 23rd day of June, 2026)

(VIJAY KUMAR)

VII Addl. District and Sessions Judge,
Belagavi, sitting at Chikodi.