

KABI010020192026



**IN THE COURT OF, THE II ADDL.DISTRICT & SESSIONS JUDGE,
AT BALLARI.**

PRESENT:

SRI.B.G.PRAMODA, B.A.L., LL.B,
II ADDL.DISTRICT & SESSIONS JUDGE, BALLARI

DATED THIS **09th** DAY OF **JUNE 2026**

Cr1.M.P.No:473/2026

PETITIONER: Smt.Gangamma W/o Jalihal Madappa, Aged
ACCUSED No.2 75 years, R/o. W.No.1, Mincheri Village,
Ballari Taluk and District.

(By Sri.S.Rangaswamy, Advocate)

//Vs//

RESPONDENT: The State by, the Sub-Inspector of Police,
Rural Police Station, Ballari.

(By Learned Public Prosecutor)

O R D E R

1. This petition is filed by the petitioner/accused No.2
U/Sec.483 and Section 480(ii)(ii) of BNSS., 2023 praying to
enlarge her on bail in **Crime No.121/2026** of **Rural Police
Station** for the offences punishable **U/Sec.352, 351(2), 54,**

103(1) and 109(1) R/w Section 3(5) of BNS, 2023, pending on the file of learned **3rd Additional Civil Judge & JMFC, Ballari**.

2. It is stated in the petition that the respondent police have registered the case in Crime No.121/2026 against the petitioner and another by alleging the commission of offences punishable **U/Sec.352, 351(2), 54, 103(1), and 109(1) R/w Section 3(5) of BNS, 2023**, on the basis of complaint given by one Jalihal Dhananjaya. It is further stated in the petition that after coming to know the fact of the case immediately on 28.04.2026, petitioner/accused No.2 has surrendered before the learned 3rd Addl. Civil Judge & JMFC, Ballari and the petitioner was remanded to judicial custody. The petitioner is innocent, peace loving and law abiding citizen and has not committed the alleged offences. A false information has been filed against the petitioner at the instance of busybodies who are enmity towards him. The facts in the information are concocted, created and fabricated against the petitioners by the informant. There is inordinate delay in lodging the complaint. The complainant has

not sustained any injuries nor has he taken any treatment. The ingredients of Section 54 BNS are not forthcoming. No ingredients of offence punishable U/Section 103(1) and 109(1) of BNS are found against the petitioner. *Mens rea* and *actus reus* are not forthcoming in the complaint. When the complainant and his family members were coming to Ballari in the vehicle to give complaint to the police, they met with an accident due to rash and negligent driving of the vehicle and as such the complainant and others have sustained injuries in the said accident and father of the complainant was died due to the injuries sustained in the accident. Jaliha! Dhananjaya and Smt.Gowramma had given statement before learned 1st Addl. Civil Judge and JMFC Court, stating that alleged incident occurred by the accident. The complainant has suppressed the true material facts and foisted false complaint. Petitioner own both movable and immovable properties and she is aged about 75 years and is suffering from age related ailments such as blindness and joint pains, sugar and depression etc., The petitioner is the permanent resident of address mentioned in the

cause title. The petitioner is ready to abide by any terms and conditions that may be imposed by the court for her enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. Hence, the petitioner prayed to allow the petition.

3. The learned Public Prosecutor has filed the objection to the petition by opposing the grant of bail to the petitioner on the ground that the offences alleged to have been committed by the petitioner are grave in nature and against to society. It is further stated in the objection that the petitioner and another accused have murdered the father of the informant by dashing to the motorcycle of the father of the informant and his uncle. The offences alleged against the petitioner are exclusively punishable with death or imprisonment for life. It is further stated in the objection that the case is still at the investigation stage. If the petitioner is enlarged on bail, she will abscond and she may not appear before Investigating Officer and she may hamper the investigation of the case. The petitioner may threaten the informant and other prosecution witnesses and she

may try to destroy the evidence. The petitioner may commit similar offence in future. Hence, the learned Public Prosecutor has prayed to reject the petition filed by the petitioner.

4. Heard the arguments of Learned Public Prosecutor and Learned counsel for the petitioner. Perused the petition, objection and other materials on record.

5. Having done so, the following points will arise for my consideration:

1. Whether the petitioner/accused No.2 has made out grounds to grant the bail **U/Section 483 of BNSS, 2023?**
2. What order?

6. My findings to the above points are, as under:

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

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

REASONS

7. Point No:1: The respondent police have registered the case in Crime No.121/2026, against the petitioner and another by alleging the commission of offences punishable

U/Sec.352, 351(2), 54, 103(1), and 109(1) R/w Section 3(5) of BNS, 2023 on the basis of information given by one Jalihal Dhananjaya. The said police after registering the case have started the investigation. During the course of investigation, petitioner herself has surrendered before the learned III Addl. Civil Judge & JMFC, Ballari on 28.04.2026. The learned magistrate has remanded the petitioner to judicial custody. Now the petitioner is in judicial custody and as such the petitioner has filed the present petition praying to enlarge her on bail on the ground that, she is innocent and she has not committed the alleged offences and she has been falsely implicated in the case. The petitioner has produced the certified copy of FIR, complaint, remand application and other documents. The petitioner is shown as accused No.2 in the remand application and FIR.

8. It is alleged in the FIR that, the father of the informant viz. Jalihal Dodda Thippeswamy had two brothers i.e., Jalihal Sanna Thippeswamy and Jalihal Rudrappa. The uncle of the informant-Jalihal Rudrappa has dug borewell in the land fallen to the share of father of the informant. Father of the informant

dug borewell about two months back in the land fallen to his share. Since, then Jaliha Rudrappa was quarreling with the father of informant by stating that, on account of borewell of father of the informant, water level in his borewell is reduced. About 15 days back the informant came to his father's house. The uncle of informant Jaliha Rudrappa and grand mother of the informant Manjamma have developed hatredness towards the family of the informant. Jaliha Rudrappa was telling the people of the village that, whenever informant went out of his house, he will murder him by dashing with his Bolero Vehicle. On 24.04.2026, the informant started his borewell and left water to his land. On the same day at 5.00 PM, Jaliha Rudrappa came near the house of informant and abused Jaliha Dodda Thippeswamy in filthy language and told why he switched on the borewell on that day. Jaliha Rudrappa took cartpeg which was lying there and assaulted on the right hand of the father of the informant and caused internal injuries. As such the informant went to the police station to give complaint. At that time, the grand mother of the informant viz., Gangamma told Jaliha

Rudrappa to murder them if they went to police station. The informant, his mother Gowramma and aunt Govindamma together were going on the motorcycle bearing No.KA-34/X-1885 to the police station. Father of informant and Jaliha Sanna Thippeswamy were going together on the motorcycle bearing No.KA-34/EG-3072 to the police station to lodge complaint. On seeing them, the accused i.e., Jaliha Rudrappa along with Gangamma followed them in Bolero Jeep No.KA-34/M-5331 with intention to kill them. They overtook the motorcycle of the informant near DRDO Military camp on Micheri-Ballari road at 6.00 PM, by driving their Bolero Vehicle with high speed and they with intention to kill the father of informant and his brother dashed their Bolero vehicle to the back side of the motorcycle bearing No.KA-34/EG-3072, in which the father of informant and brother were traveling. After dashing to the motorcycle, the petitioner did not stop the Bolero Vehicle and escaped from the spot. In the said incident father of the informant and uncle of the informant have sustained severe injuries on the head and other parts of the body. They were taken to Trauma Care Center,

Ballari for treatment. The doctor has told that, the father of the informant was died on his way to hospital. Hence, it is alleged in the information that, the petitioner and another accused have murdered the father of the informant and they have attempted to murder the uncle of the informant.

9. Since the petitioner is in judicial custody, the petitioner has filed the present petition praying to enlarge her on bail by contending that she is innocent and she has not committed the alleged offences and false case has been foisted against her. The learned counsel for the petitioner has argued that, the death of father of the informant and injury to the uncle of the informant was occurred due to accident. The petitioner has not committed the offence of murder of father of the informant. Essential ingredients of Section 103(1) and Section 109(1) of BNSS, 2023 are not attracted against the petitioner. It is further argued that, the deceased was driving the vehicle in a rash and negligent manner near a curve and as such he lost the control over the vehicle and fell down from the bike on the rock

situated by the side of road and sustained head injury and as such he died. It is further argued that, mother of the informant and aunt of the informant have sustained injuries in the accident that was occurred due to rash and negligent riding of motorbike by the informant. It is further argued that, taking advantage of the said facts, the informant and his family members have hatched a plan and filed false and created complaint against the petitioner. As such the learned counsel for the petitioner has prayed to enlarge the petitioner on bail.

10. The offence punishable U/Section 103(1) of BNSS alleged against the petitioner is exclusively punishable with death or imprisonment for life. Further, the alleged offence punishable U/Section 109(1) of BNSS, is punishable with imprisonment for life or death. In the information specific allegation is made against the petitioner and another accused Viz., Rudrappa that, they had intention to kill the father of the informant and his uncle. It is also alleged in the information that, when they went to lodge complaint, accused No.2 Gangamma i.e., petitioner had told accused No.1 Rudrappa to

murder them if they went to police station to give complaint. It is also specifically alleged in the information that, the accused on seeing the father of the informant and uncle of the informant were proceeding towards police station in the motorcycle to give complaint against the informant, have followed them in the Bolero Jeep with intention to kill them. Further it is also specifically alleged in the information that, the accused have dashed to the motorcycle of the father of the informant from the backside with their Bolero vehicle with intention to murder them.

11. The allegations made in the information prima-facie shows the intention on the part of the petitioner to murder the father of the informant. Further, the allegations made in the information prima-facie shows that, with the said intention, the accused have dashed their Bolero vehicle to the motorbike of father of the informant and caused injuries to father of the informant and uncle of the informant. Due to the said injuries, father of the informant was died. Motive for commission of

offence is also mentioned in the information. Hence, I am of the opinion that, there are prima-facie materials in the information which fulfill the essential ingredients of the offence punishable under Section 103(1) of BNSS.

12. The investigation of the case is under process. In the I.O. report submitted along with the information, it is mentioned that, after arrest of accused No.1 and 2, they have given their voluntary statement before the investigating officer. The Bolero vehicle alleged to have been used by the accused for commission of the offence was also seized at the instance of accused by conducting mahazar. In the I.O. report it is mentioned that, the statements of eye witnesses and circumstantial witnesses is yet to be recorded. It is further statement that, the statements of the injured and other eye witnesses has to be recorded U/Section 183 of BNSS before the Court. The investigation of the case is not yet completed. The statements of material witnesses is not recorded. If at this stage, the petitioner is enlarged on bail, the petitioner may threaten the informant, injured, eye witnesses

and other material witnesses. Further, there is possibility of petitioner destroying the evidence. Petitioner may abscond and may hamper the investigation of the case.

13. The offences alleged against the accused are grave in nature and against the society. By looking in to the nature and gravity of the offences alleged against the petitioner and by considering the fact that, investigation of the case is not yet completed and by considering the other facts and circumstances as discussed earlier, I am of the opinion that, discretion of this Court cannot be exercised in favour of the petitioner to enlarge her on bail. At this stage of the proceedings, the petitioner cannot be enlarged on bail on any of the grounds urged by her in the petition. Those grounds are to be considered only on merits of the case in order to extend benefit of doubts to the petitioners while passing judgment. Hence, I am of the opinion that, the petitioner is not entitle to be enlarged on bail as prayed for in the petition. The petition filed by the petitioner is deserves

to be dismissed. **Accordingly, I answer Point No.1 in the Negative.**

14. Point No.2: In-view of my findings on Point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner/accused No.2 U/Sec.483 of BNSS, 2023 **is hereby dismissed.**

(Dictated to the Stenographer Grade-III directly on computer, typed by her, corrected by me and then pronounced in the open court on this **09th day of June 2026**)

(B.G.Pramoda)

II Addl.District & Sessions Judge,
Ballari.