

**IN THE COURT OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BAGALKOT.**

**Present: Sri. G.A.Mulimani, M.A., LL.M.,
District and Sessions Judge.**

Dated this the 18th day of January 2024

Spl. Case No.3/2020

Complainant:

1. The State of Karnataka.
2. Yallappa Bharamappa Talageri,
Age: 45 years, Occ: Agriculture,
R/o. Shirol, Tq: Mudhol.

(By the Learned Public Prosecutor)

Vs.

Accused No.1, 14 & 15:

1. Mallappa Shivappa Huddar,
Age: 30 years, Occ: Agriculture,
2. Raju @ Kadappa Mallappa Muchandi @ Badagi,
Age: 35 years, Occ: Agriculture,

Both are R/o. Shirol, Tq: Mudhol,
Dist: Bagalkot.

3. Shankareppa Jatteppa Gudadinni,
Age: 35 years, Occ: Agriculture,
R/o. Toravi, Tq. & Dist: Vijayapura.

(By Sri. S.C.Hiremath, Advocate)

ORDER

The accused No.1, 14 & 15 have filed bail petition U/Sec.439 of Cr.P.C., praying this court to enlarge them on regular bail in this case who have been charge sheeted for the offences punishable U/Secs.143, 147, 148, 302, 120(B) R/w. Sec.149 of IPC and U/Sec.3(2)(va) of SC/ST Act.

2. The accused No.1, 14 & 15 have sought for grant of regular bail on the grounds that, there are absolutely no reasonable grounds to believe that, they have committed any offences, which are punishable with death sentence or life imprisonment. They are innocent persons and they have been falsely implicated in the case just to harass them. On perusal of entire charge sheet, it reveals that false case is built up against them due to previous enmity. On perusal of entire charge sheet there are neither direct nor circumstantial evidence to connect them with the alleged offences. They are permanent residents of Shirol and Toravi villages and having both movable and immovable properties. Hence, there is no chance of their

abscondance arise. They are ready and willing to produce necessary surety for their release on bail. They undertake that, they will co-operate with investigation and they will not tamper any prosecution witnesses. Hence, accused No.1, 14 & 15 have prayed to enlarge them on bail.

3. The learned Public Prosecutor has filed objections to the bail petition and prayed this Court to reject the bail petition filed by accused No.1, 14 & 15.

4. Heard both sides and perused the case papers on record.

5. Learned Spl. Public Prosecution has filed written arguments to the bail application filed by the accused persons U/Sec.439 of Cr.P.C.

6. Learned counsel for accused No.1, 14 & 15 has produced the following rulings:

1) Special Leave to Appeal (Crl.) No.6505/2023 between Praveen Rathore Vs. The State of Rajasthan & Another.

2) 2013 (4) Kar. L.J. 157 between Irappa Shivalingappa Pawadi Vs. State by Kulagod Police Station.

3) Crl. Appeal No.100290 of 2023 between Mallappa Shivappa Huddar and Others Vs. State of Karnataka.

7. The learned SPP has also produced the following citation:

1) Crl. Appeal No.100041/2022 (H.C. Karnataka) Shankrappa S/o. Jatteppa Vs. The State of Karnataka.

8. Based on the above, the points that arise for my consideration are:-

1. Whether the accused No.1, 14 & 15 are entitled to enlarge on regular bail ?

2. What Order?

9. My finding on the above points are as under:

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 the accused has vehemently argued that, the IO has filed charge sheet against the accused persons for the offences punishable U/Secs.143, 147, 148, 302, 120(B) R/w.

Sec.149 of IPC and U/Sec.3(2)(va) of SC ST (POA) Act under Mudhol PS Cr.No.160/2019. Wherein it is alleged that, on 1.5.2019 there was a dispute arose and the properties of the complainant were damaged and the accused have assaulted the victim. Therefore, there were two criminal cases were registered against the upper class people at Mudhol in the Mudhol PS Cr.No.79/2019 and 80/2019. Subsequently, it is alleged that on 15.10.2019 at about 4.30 p.m complainant and his elder brother's son Mahantesh, Durgappa, Mahesh and Laxman Talageri gone to Mudhol Police Station and he received the phone call regarding the murder of his uncle Mallappa S/o. Sanatappa Talageri near Ashraya Colony Plot at Shirol village. Therefore, the complainant and his brother went to the spot and found the dead bodies which were fallen in pool of blood with injuries. On enquiry to one Renuka D/o. Kadappa Talageri who was alleged to be the eye witness, she told that, after completion of the Karate Class she was proceeding towards her house. At about 3.20 p.m accused No.1 & 12 and others had assaulted Vithal Talageri and

Mallappa Talageri by means of iron rod, sword and axe. Thereafter, they went on their motorcycle and car, due to earlier dispute took place between themselves the accused persons have committed the murder. However, the accused are innocent and not involved in this case and absolutely there are no any reasonable grounds to believe that the accused persons had committed any offences which are punishable with death sentence or life imprisonment. As such the accused are enlarged on bail.

11. On the other hand, prosecution has vehemently argued and filed the written arguments inter-alia contending that, the bail application is not maintainable as the earlier bail application in Crl. Appeal No.100290/2023 was rejected on 24.11.2023. Further Crl. Appeal No.100041/2022 was withdrawn and Crl. Petition No.100934/2020 clubbed with Crl. Petition No.100845/2020 and Crl. Petition No.100934/2020 were rejected by the Hon'ble High Court of Karnataka at

Dharwad Bench. Further the CrI.Misc.No.688/2009 and 665/2009 were dismissed on 31.12.2019 and 21.1.2020.

12. Admittedly, the earlier bail applications filed by the accused/petitioner are rejected by this Court as well as by the Hon'ble High Court of Karnataka. On the basis of the available materials, which are crystal clear that, the accused have committed double murder in broad day light and as per the PM report the both the deceased have sustained several cut injuries. The IO has seized two swords in the instant case and the accused have committed the murder of complainant's brother and his uncle by assaulting them with deadly weapons. Looking to the materials the alleged offences are heinous in nature. In view of the nature of the gravity of the offences and non-establishment of any changed circumstances to file the present bail application, it is not a fit case to enlarge the accused/petitioners on bail. Admittedly, the accused have committed murder of two persons on a broad day light. Therefore, in the event of grant of bail to the petitioners

they are all chances of threatening the prosecution witnesses and hampering the case of the prosecution. I have carefully gone through the decisions referred by the learned counsel for the accused/petitioners vide 1) Special Leave to Appeal (Crl.) No.6505/2023 2) 2013 (4) Kar. L.J. 157 and Crl. Appeal No.100290 of 2023. Since the facts and circumstances involved in this case and the principles involved in the supra decisions are not one and the same. Hence, with due respect to the above said citations which are not applicable to the present case in hand. Under these observations and foregoing reasons, I am of the opinion that, the bail application filed by the accused No.1, 14 & 15 is deserves to be dismissed. Hence, I answer point No.1 in the negative.

13. Point No.2: In view of the discussion made in supra paras, this Court proceed to pass the following:

ORDER

The petition filed by the accused No.1, 14 & 15
U/Sec.439 of Cr.P.C., is rejected.

(Dictated to the Stenographer Grade-I directly on the computer, print out
taken out by him, corrected and then pronounced by me in the open
court on this the 18th day of January, 2024.)

(G. A. Mulimani)
II Additional District and Sessions Judge,
Bagalkot.