

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS
JUDGE, BAGALKOTE

Present: Sri. N.V. Vijay, B.A. LL.B. (Hons.),
Prl. District and Sessions Judge,

Dated this the 12th day of September, 2025

Sessions Case No.32/2025

Complainant

: The State of Karnataka,
By Bilagi Police Station.

(The learned Public Prosecutor)

Vs.

Accused

: Dhanaraj @ Dhannu S/o. Jatru
Rathod, Age: 65 years,
Occ: Retired Teacher,
R/o: Yalagod L.T.,
Tq: Devar Hipparagi, Dist: Vijaypur.

(Sri. M.M. Kandagal, Advocate)

ORDER

This is an application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in Bilagi Police Station Crime No.9/2025 registered for the offence punishable under Section 103(1) of B.N.S Act, 2023.

2. In the petition it is averred that there are no reasonable grounds to believe that the petitioner has committed the offences. He is innocent but has been falsely implicated in this case just to harass him. The charge sheet does not reveal any motive for the commission of alleged offence. Already the investigation is completed and charge sheet has been filed. He is ready and willing to furnish solvent surety to the satisfaction of the Court and ready to abide by the conditions that may be imposed. Hence, prayed to allow the petition.

3. On the contrary, the learned Public Prosecutor has filed objections by narrating the facts of the case and has contended that the complaint averments and statements of witnesses would clearly point out that the accused has committed the heinous offence of murder. There are eye witnesses to the incident. Considering the above said aspects, mere filing of charge sheet is not a ground to enlarge the accused person on bail. The accused has committed heinous offence and if enlarged on bail, there is possibility of destroying the evidence and threatening the prosecution witnesses. Hence prayed to reject the petition.

4. Heard the arguments of both sides.

5. The point that arises for my consideration is:

Whether the accused is entitled to regular bail?

6. My answer on the above point is in the affirmative, for the following:

REASONS

7. The case of the prosecution is that informant's husband deceased Nagappa was doing coolie work for about 12 years under witness by name Rajendra Shamarao Deshpande and subsequently, after construction of RadhaKrishna Pre-primary School, the deceased Nagappa was working as a security guard in the said school. The accused Dhanaraj being a resident of Vijayapura came to the said school on 18.12.2024 to give coaching to students for admission relating to Navodaya School. Said deceased Nagappa and accused Dhanaraj were residing in the same school premises.

8. Such being the situation, on 12.01.2025 the deceased Nagappa was found abusing the students at about 6.45 a.m., at that time, the accused Dhanaraj came to the spot and questioned as to why he was abusing the

children and also scolded Nagappa as to why the hot water was not provided for children for the purpose of bathing. At that time, there was an argument between both deceased and the accused and deceased Nagappa picked up a log which was being used to fire hot water and assaulted on the accused, due to which the accused had sustained burn injury over his hand and an injury to his head. In the scuffle the accused snatched the log from the hands of he deceased and assaulted twice on the head of the deceased, due to which the deceased had sustained bleeding injury. Subsequently, the deceased was shifted to the hospital, but he succumbed due to the injuries. Hence, the charge sheet against the accused.

9. On perusal of charge sheet materials it reveals that as per the complaint the alleged incident had taken place due to the scuffle between the deceased and the accused. CW-10, CW-11 and CW-12 being the students are the eye witnesses to the incident and in their statements they have stated that initially the deceased Nagappa had assaulted the accused, due to which the accused had sustained injuries and subsequently, the accused snatched the log

from the hands of the deceased and assaulted over the head of the deceased twice, due to which the deceased had sustained injuries. This very statements of the eye witnesses at this stage, reveals that there was no intention on part of the accused to commit an act of murder and the alleged incident took place due to provocation from the deceased.

10. The charge sheet materials would also disclose that initially aggression was from deceased which resulted in an act of the accused snatching the log from the hands of the deceased and had assaulted deceased without any premeditation. In a spur of movement reacting to the action of the deceased, the accused in retaliation has assaulted without any preparation. The said act of the accused, in my opinion would come within the purview of section 299 of I.P.C i.e., culpable homicide not amounting to murder. The charge sheet is already submitted against the accused and therefore, the question of tampering with the witnesses does not arise for consideration. The accused in the bail application has agreed to abide the conditions stipulated by the court and willing to provide surety. In the said

circumstances, I am of the opinion that the accused has made out sufficient grounds for grant of regular bail. Accordingly point No.1 under discussion is answered in the “affirmative” and pass the following:

ORDER

The application filed by the accused under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.

The accused is ordered to be released on bail in Bilagi Police Station Crime No.09/2025 on his executing personal bond of Rs.1,00,000/- with one surety for likesum with following:

CONDITIONS

1. The accused shall not tamper with the prosecution witnesses in any manner.
2. The accused shall regularly appear before the Court on all the dates of hearing.
3. The accused shall not commit similar or other offences.

4. The accused shall not leave India without
prior permission of this court.

(Dictated to the Stenographer Grade - III, transcribed by her, script corrected,
signed and then pronounced by me in the open court on this the 12th day of
September, 2025.)

(N.V. Vijay)
Prl. District and Sessions Judge, Bagalkote