

KABK730012222025



SC/5035/2025

**IN THE COURT OF I ADDL. DISTRICT & SESSIONS JUDGE,
BAGALKOT TO SIT AT: JAMKHANDI, AT: JAMKHANDI.**

* * *

Before: Sri. Mahamed Imthiyaz Ahamed
B.Sc, B.Ed, L.L.B.,

I Addl. District & Sessions Judge,
Bagalkot to sit at Jamkhandi

Dated: this 25th day of July, 2025

SC No.5035/2025

Complainant:

- 1) The state of Karnataka,
(Rep. by Public Prosecutor, Jamkhandi)

-Vs-

Accused:

- 1) Bhimappa S/o.Muttappa Mang @ Madar.
Age: 40 Years, Occ: Coolie,
R/o: Muttur, Tal: Jamkhandi,
Dist. Bagalkot.

(Rep. by Advocate: Rahul.M.P..)

::ORDERS ON BAIL APPLICATION U/s.483 OF BNSS-2023::

The accused has filed instant application U/sec. 483 of
BNSS-2023 seeking release on regular bail in Jamkhandi Rural

PS Crime No.05/2025 for the offence punishable U/s. 103(1) and 332(c) of BNS-2023.

2. The petitioner/accused contended that he has been falsely implicated in this case and he is innocent and has not committed any offences as alleged against him. That there are no cogent and acceptable circumstances to connect him with the alleged incident. That accused is in judicial custody since more than 6 months and IO has completed the investigation and submitted the charge sheet on 12-02-2025 and accused is no longer required for the purpose of investigation. That the quarrel took place on silly reason and there is no motive to commit the alleged offence by the accused. That the conclusion of the proceeding may take reasonably long time and he will have to languish in jail for no fault of his own. That the continued detention of accused in jail will adversely reflect on his physical and mental health. That the accused is having very good antecedents, he belongs to good family and there are no criminal cases pending against him and no any previous conviction. If the accused is not released on bail he will be put into hardship and trouble. That accused is having a son aged 10

years and two daughters aged 14 and 18 years and wife. Accused is the only earning member of his family. If he is not enlarged on bail then entire family members of the accused will be thrown to street. That there are no eye witnesses to the alleged incident and only on the basis of voluntary statement of accused police have built up the case as per their whims and fancy. That the complainant is a hearsay witness and he is not eye witness and he has got information from Kallappa Irappa Badiger of Muttur village. That accused is permanent resident of Muttur village and having both movable and immovable properties and living with his family members and there is no chance of his absconding. That petitioner is ready and willing to abide by any of the conditions which would be imposed by the court. On the above grounds the petitioner has prayed to allow the bail application.

3. The learned Public prosecutor opposed the bail application on the ground that the accused/petitioner was under the impression that his aunt Shobha Parashuram Mang is by doing black-magic is throwing lemons in front of his house and the road. Hence there is disturbance in the life of his family

members. On 07-01-2025 at about 08-00 pm the accused/petitioner wrongfully entered into the house of his aunt situated in Muttur village with a intention to kill his aunt Shobha and assaulted Shobha on her head and neck with wooden piece causing injuries resulting in death of Shobha and thereby committed the offence punishable U/s. 332(c) and 103(1) of BNS-2023. On the above grounds sought for rejecting the bail application.

4. Heard the learned counsel for the petitioner/accused and learned public prosecutor for state and perused the records.

5. The following points arise for consideration:

Point No.1:- Whether the petitioner/accused has made out grounds for his release on regular bail at this stage?

Point No.2:- What order?

6. My answer to the above points are as under;

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

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

:: R E A S O N S ::

7. **Point No.1:-** The perusal of the prosecution papers at this stage reveals that at the first instance that on the complaint of

one Ramesh Parashuram Mang the Jamkhandi Rural Police registered FIR against the petitioner/accused alleging the offence punishable U/s. 103(1) of BNS -2023. It also reveals that the IO after completion of the investigation has filed charge sheet and the case has been committed to this court. It also reveals that the IO has filed the charge sheet against the accused alleging offence U/s. 332(c) , 103(1) of BNS-2023.

8. Allegation of the prosecution as per the charge sheet materials is that the accused/petitioner was under the impression that his aunt Shobha Parashuram Mang is by doing black-magic is throwing lemons in front of his house and the road. Hence there is disturbance in the life of his family members. On 07-01-2025 at about 08-00 pm the accused/petitioner wrongfully entered into the house of his aunt situated in Muttur village with a intention to kill his aunt Shobha and assaulted Shobha on her head and neck with wooden peice causing injuries resulting in death of Shobha and thereby committed the offence punishable U/s. 332(c) and 103(1) of BNS-2023.

9. the perusal of the entire charge sheet materials including the statement of witnesses, at this stage reveals that no grounds are forthcoming to exercise granting the regular bail in favour of the accused/petitioner. The learned counsel for the accused vehemently argued that no direct witness are forthcoming in the charge sheet materials filed by the prosecution and all the witnesses cited are the hearsay witnesses and no prima-facie materials are forthcoming to rope instant accused for the offence punishable U/s 103(1) of BNS-2023. With due respect to the above arguments canvassed by the learned counsel for the accused/petitioner at this stage it cannot be concluded that the entire charge sheet materials filed by the prosecution are false. At this stage it could be seen that the belief of the accused that his aunt is making black magic and throwing lemons on his house which is creating disturbance in the life of his family members prima-facie appears to be the motive for the alleged offence. The involvement of the instant accused/petitioner in the alleged crime has to be decided after the full fledged trial, but if we consider the gravity of the offence alleged to have been committed by the accused/petitioner and the imprisonment which is likely to be imposed on the instant petitioner/accused

no grounds are forthcoming to grant the regular bail in favour of the petitioner/accused. The offence alleged against the accused/petitioner is also punishable U/s 103(1) of BNS-2023 which is punishable with extreme penalty of death and imprisonment for life. Under these circumstances and considering the gravity of the offence alleged to have been committed by the petitioner/accused and the charge sheet materials, I do not find any reasons to exercise discretion of granting regular bail in favour of the accused/petitioner at this stage. **Hence I answer point No.1 in the Negative.**

10. Point No.2:- For the reasons discussed above on point No.1, I proceed to pass the following...

::O R D E R::

Application filed by the petitioner/Accused U/s.483 of BNSS-2023 is hereby **rejected**.

(Dictated to the stenographer, transcribed & typed by him, script corrected, signed by me and then pronounced in the open court on this the **25th day of July, 2025**).

**(Sri.Mahamed Imthiyaz Ahamed)
I Addl.District & Sessions Judge,
Bagalkot, to sit at Jamakhandi.**