

KACB010015032025



**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE, AT CHIKKABALLAPURA**

Dated this the 30th day of December, 2025.

PRESENT :

Sri. Kantharaju S.V., B.A., LL.B.,
I Addl. District & Sessions Judge,
Chikkaballapura

S.C.No.81/2025

Complainant:

The State
Rep. by Gowribidanur Rural Police
Station,

(Rep. by Learned Public Prosecutor)

Versus

Accused No.1

: Sri. Gangadharappa
Son of Late Papanna,
Aged about 59 years,
Residing at: Cheegatagere Village,
Gowribidanur Taluk,
Chikkaballapura District

**(Rep. by Sri. H.R. Vishwanath,
Advocate)**

:ORDERS:

The accused No.1 has filed this bail application under Section 483 of Bharathiya Nagarika Suraksha Sanhitha, 2023 for grant of regular bail in connection with Crime No.148/2025 of Gowribidanur Rural Police Station for the alleged offences punishable under Sections 103(1), 109(1) read with Section 3(5) the Bharathiya Nyaya Sanhitha, 2023, in the interest of justice.

2. The learned Public Prosecutor representing the State has seriously opposed the petition and has requested to reject it for the reasons stated in her written objection and I.O. Report.

3. Heard arguments from both sides.

4. The point for consideration is;

"Whether the accused No.1 has made out a ground for the grant of the bail as sought?"

5. The above point is answered in the **Negative**, for the following;

:REASONS:

6. I have perused the records. The charge sheet allegations in brief are that, the land bearing Sy.No.12 measuring 2 acre 17 guntas situated at Chigatagere Village, Kasaba Hobli, Gowribidanur Taluk was standing in the name

of deceased Papanna. He has been partitioned the said property into three division to his children namely Nanjundappa, Gangadharappa and Nanjappa and they are in peaceful possession and enjoyment of the said land as absolute owners.

6(a). About 10 years ago, Nanjundappa and Gangadharappa, together invested their money to dug up a borewell in the land of Gangadharappa. Both were using the water from the borewell for three days each to grow crops on their respective lands. One month ago, Gangadharappa had a quarrel with Nanjundappa over water issues, but Nanjundappa remained silent. On 14/05/2025 at 3:00 PM, when CW-1 Nandisha went to his land to turn water as per the schedule. At that time, the accused No.1 and 2 in furtherance of common intention picked up quarrel with him. CW.1 was cutting cabbage in his land at about 5.30 p.m. at that time CW.2 Nanjundappa and Gangaraju came to the land and asked CW.1 why he was not releasing the water to the land, by the time accused No.1 and 2 told that they always argue with them about releasing the water and that they will not let him live today. With the intention of committing murder, accused No.1 assaulted Gangaraju on the left thigh with the sickle, causing grievous injuries and killed him. At the same time, when CW.1 came across, the accused No.2 assaulted him on the lower back with a sickle, causing a simple injury and also accused No.2 assaulted on

his body with a club, causing a pain, and assaulted CW.2 on the little finger of her right hand, causing a simple blood injury. Based on this complaint, the concerned Gowribidanur Rural Police have registered a case against this accused and accused No.1 for the aforesaid offences.

7. The counsel for the accused No.1 contended that the entire averments of the FIR and charge sheet is false and untenable. He is in judicial custody since 15.05.2025. The accused is innocent and he has not committed any offences and he has not involved in the murder of deceased Gangaraju as alleged by the complainant police. There is a civil dispute between the accused No.2 and complainant, a false case has been lodged against this accused. The investigating officer has been completed investigation and submitted the charge sheet, hence this accused is not required for investigation. The accused is an agriculturist and he has wife, children, mother and age old parents and he has leading his life in respectable manner, and he is only earning member in his family and the entire family members are depending upon his income and if this accused is not enlarged on regular bail, all the family members will be put to great loss. This accused undertaken that not to tamper the prosecution witnesses and also not to hamper the trial of the case. He is permanent resident of Chigatagere village and he has possessed movable and immovable property. Hence, there can be no apprehension of fleeing away from justice or jumping bail.

The alleged offences against this accused is not punishable with death or life imprisonment and non bailable in nature. The accused is ready to abide by the terms and conditions that may be imposed by this Court and further he is ready to furnish surety for his release in the alleged crime. Hence, he prayed to allow the petition.

8. Having disagreed with the contention of accused, the learned Public prosecutor has filed objections and in the said objections it has been contended that the bail application filed by the accused is contrary to law and liable to be dismissed. Further, the learned Public Prosecutor has reiterated the charge sheet averments. Further, earlier this Court has dismissed the bail petition filed by the accused in CrI.Mis.No.435/2025 dated 16.08.2025. Further, the investigating officer has submitted the charge sheet, discloses that including investigating officer there are 42 charge sheet witnesses and as per the record the statements of witnesses and seized articles, there is a prima facie case made out against the accused, hence, he is not entitled for regular bail. If the accused is granted regular bail, he may abscond from the jurisdiction of this court and in such an event, it will hamper the trial. The accused may threaten the witnesses and destroy the evidence of the prosecution or involved in the similar offences. Further, except submitting the charge sheet, there are no grounds assigned in the said bail application. The accused has committed heinous

offences. There is sufficient material on record to presume that the accused has committed the offences alleged against him. Hence, it is requested to reject the application.

9. Having borne in mind the rival contentions it is seen that, the prosecution has made serious allegations against this accused. It is relevant to note here that, the alleged offences are very heinous in nature, and punishable with death or imprisonment for life. This accused along with accused No.2 have committed the murder of deceased Gangaraju. Further the apprehension of the prosecution that, if the accused is granted bail as sought for, he may abscond and may not be available for trial, causing delay in speedy trial of the case cannot be ruled out.

10. However, keeping in mind the ratio held in the ruling of **Hon'ble Apex Court in Misc. Application No.1849/2021 in Spl.L.P. (Crl.No.5191/2021)** in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another** and another decision of **Hon'ble Apex Court reported in 2021(3) Crimes 169(SC)** in the case of **Mamta Nair Vs. State of Rajasthan and Another**, the alleged murder committed by this accused along with accused No.1 is very heinous in nature. Moreover in this case total 42 witnesses are cited in the charge sheet and the autopsy report reveals that, the cause of death is due to HAEMORRHAGIC SHOCK SECONDARY TO FEMORAL ARTERY INJURY.

11. Admittedly the case committed to this Court on 06.05.2025 still under a FDT stage. In the said circumstances, I am inclined to agree with the contentions of the learned Public Prosecutor that, the continuation of the custody to the accused is matter of absolute necessity so as to ensure the speedy trial and also it is not the stage to discuss about the merit of the case. In the light of the above observations, I hold that accused No.1 is not entitled for the regular bail at this stage. Accordingly, I proceed to pass the following:

ORDER

The bail petition under Sec.483 of BNSS
filed on behalf of the accused No.1
Gangadharappa is **dismissed**.

(Dictated to the Stenographer directly on computer, typed by him, corrected and then pronounced by me in the Open court, this the **30st day of December, 2025.**)

(Kantharaju S.V.)
I Additional District & Sessions Judge
Chikkaballapura.