

KACB010017072025



IN THE COURT OF III-ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKABALLAPURA

PRESENT

**SRI. SIDDANNA B. HANDRAL,
B.Sc.,LL.B(Spl).
III Addl. Dist. & Sessions Judge,
Chikkaballapura.**

DATED THIS THE 8th DAY OF JUNE, 2026

SESSIONS CASE No.93/2025

COMPLAINANT : State of Karnataka,
by Nandigiridhama police Station,
Chikkaballapura

(Rep. by Learned PP)

-V/S-

ACCUSED NO. 1. : Hara Dhan Tripura,
S/o Krishna Mohan Tripura,
Aged about 35 years,

2. Dhanchandra Tripura,
S/o Pandikumar Tripura
Aged about 32 years,

Both A1 and A2's Present address: Happy
Retreats Kai resort, Chokkahalli Village,
Chikkaballapura.

Both A1 and A2's Permanent address:
Nunai Forest Village,
Kacharithal Forest Village post,
Hailakandi District,
Assam-788163

(Rep. by Sri. M.V., Deputy Legal Aid defense
counsel)

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ORDER

The accused No.1 and 2 have filed this regular bail petition under section Sec.483 of BNSS-2023 for the grant of regular bail orders in his favour in the interest of justice and equity.

2. The accused No. 1 and 2 in their application contended that, they were taken into custody and sent to judicial custody, since then they are in JC. Complainant police have foisted a false case against the accused persons. They are innocent of the alleged offences and have not committed any offences as alleged in the complaint. Investigation has been completed and charge sheet has been submitted to the court hence, accused No.1 and 2 are not required for custodial interrogation. Accused persons are the only bread earning members in their family and having aged parents who are dependent on them. Accused No.1 and 2 undertake to appear before the court on all the hearing dates and ready to furnish the surety for his release, hence prayed to release them on bail.

3. The learned Public Prosecutor has objected to bail petition and contended that, there are 46 witnesses to the case of prosecution including investigating officer, prima facie material collected by the IO it shows that accused No.1 and 2 have involved in the alleged offences. If the accused persons are enlarged on bail there may be a chances of absconding by the accused persons and threatening the prosecution witnesses and tampering the prosecution evidence. There is no changed circumstance urged by the accused persons. Mere submission of charge sheet will not be a ground to enlarge them on bail. thereby requested the court to reject the same.

4. Heard the arguments of both sides and perused the materials placed on record.

5. The following points that are arise for consideration.

1. Whether the accused No.1 and 2 have made out grounds to grant regular bail orders in their favour?

2. What order?

6. On perusal of the records, my answer to above points is as under:-

Point No.1: In the Negative

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

REASONS

7. **Point No.1:-** The complainant police have submitted charge sheet against the accused for the offence punishable under section 103(1), 238 r/w section 3 (5) of BNSS-2023. The police have arrested accused No.1 to 3 and produced before the court on 09.06.2025. The learned magistrate has remanded all the accused to JC and they are in JC. After submission of charge sheet, this court has secured accused No.1 to 3 physically and then they are remanded to JC. Then the police are directed to produce accused No.3 before JJ board since he was a minor on the date of commission of alleged offence.

8. The complainant being the owner of Happy Re-treats Kai Resort, existing in Sy.No. 38/2 of Chokkahalli Village has lodged complaint by alleging that may persons are working in the said resort and residing in the rooms existing in the resort. The accused No.1 to 3 along with other persons were working in the said resort. Due to his ill health on 08.06.2025, he has not visited the resort. On 09.06.2025 at 00.20 am, his manager Shivu has made a phone call to him and informed that the worker Nartha Mohan Tripura has quarreled with other workers and he is dead. Then he has visited the resort and found the dead body of deceased Nartha Mohan Tripura in the staff room who has sustained injuries on his body. He has enquired another worker by name Navanada Santi Joy Tripura about the incident who has informed him that he along with accused No.1 and 2 consumed alcohol near the vacant land situated adjacent

to the resort at 7.30 pm on 08.06.2025. At that time, Nartha Mohan Tripura and accused No.1 have quarreled each other on the ground that Nartha Mohan Tripura has made allegations against the accused No.1 about his wife. They have tried to pacify the quarrel but they have not stopped the quarrel. The accused No.1 and deceased each other have assaulted with their hands and legs. Then he has sent the accused No.3 to visit the spot and inform about the incident. The accused No.3 has visited the spot at 10.30 pm and found that the accused No.1 and 2 after assaulting the deceased with a weapon have murdered him. Then the accused No.1 to 3 after washing the dead body have brought the same and kept the dead body inside the room. On these allegations the complainant has lodged complaint to the police.

9. The IO during investigation has arrested accused No.1 to 3 and recorded their voluntary statements where they have admitted the incident. Then the IO has conducted mahazar at the spot, seized the mobile phones of the accused and conducted spot panchanama the spot shown by the accused persons. He has also seized the material objects during investigation and then sent the same to FSL for scientific investigation. He has also conducted inquest panchanama and the doctor has conducted postmortem on the dead body. He has also seized the sharp edged wooden piece used for the assault of deceased person and after completion of investigation, he has submitted charge sheet to the court.

10. The offence U/Sec. 103 of BNS is non-bailable in nature and same is punishable with death or imprisonment for life and fine and same is triable before court of Sessions. No doubt the investigation is already completed and the charge sheet has been filed before the court. Mere submission of charge sheet is not a ground to allow the application when there are sufficient materials available in the charge sheet about the involvement of accused persons in the alleged crime.

11. In this regard it is relevant here to refer the decision of Hon'ble Apex Court of India while deciding in the case of **"INDRESHKUMAR VS. STATE OF UTTAR PRADESH** reported in **2022 LIVE LAW (SC) 610 arising out of CrA.938/2022 dated 12.7.2022** wherein the Hon'ble Apex Court held that **"statement u/Sec.161 of Cr.P.C may not be admissible in evidence but are relevant in considering prima facie case against the accused in an application for grant of bail in case of grave offence."** Hence by applying the principles of law laid down to the present facts of the case and in this case also the present accused have involved in commission of an **offence of murder by assaulting the deceased with deadly weapon**, which discloses from the charge sheet submitted by the Investigating Officer, therefore at this juncture, same can be relied upon for deciding the bail application.

12. In addition to the above the alleged offences against the accused i.e. offence u/Sec.302 of IPC is punishable exclusively with death, in another decision of our Hon'ble High Court of Karnataka reported in 2014 (4) Crimes 425 in the case of ***Shyam Vs. State***

wherein it is held that ***involvement of accused in offence of murder it would not be a fit case to allow bail to the accused.*** In another case of “***Ramgovind Upadhya Vs. Sudarshansingh***” reported in AIR 2002 SC-1475, the Hon'ble Supreme Court of India held that “**grant of bail though being discretionary order, but however calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the courts and facts however do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the circumstances warranting the grant of bail. The nature of offence is one of the basic consideration for grant of bail more heinous is a crime, the greater is the chance of rejection of the bail, though however dependent on the factual matrix of matter**” accused is not entitle for grant of bail.

13. So far as contention of the counsel for accused that, the accused are in judicial custody since the date of their arrest and are entitled for bail cannot be acceptable since mere filing of the charge sheet and accused are in judicial custody from the date of arrest is not a ground for grant of bail. In this regard it is relevant here to refer the decision of **Hon'ble High Court of Karnataka reported in ILR 2016 Karnataka 1516** in the case of **State of Karnataka represented by Arakalagud police Vs. B.D. Sandeep** wherein it has been held that, “**A. Criminal Procedure Code,**

1973- Section 439- Grant of Bail - Factors to be considered by the Court - HELD, mere fact that the accused has been in judicial custody and the police have filed charge sheet is not sufficient to grant bail- Court has to consider whether there is no any prima facie case or reasonable ground to believe that the accused had not committed the offence, nature and gravity of the accusation, severity of the punishment in the event of release on bail, character, behaviour, means, position and standing of the accused, likelihood of the offence being repeated, reasonable apprehension of the witnesses being influenced and danger or course of justice being thwarted by grant of bail”.

14. In another case of **Anil Kumar Yadav Vs. State of NCT Delhi-(e) reported in 2017(4) Crimes 525 SC**, wherein it was held that- **Section 439- period of incarceration by itself would not entitle the accused to be enlarged on bail in offences under Section 302 - instantly, trial Court granted bail because accused was behind the bar for 16 months- not proper.** In another case of **State of Orissa Vs. Mahimanand Mishra reported in (2019)1 SCC (Cri) 325**, wherein it was held that **“A. Criminal Procedure Code, 1973- S-439- Bail- grant of, its validity of-High Court not justified in going to evidence on record which amounted to ascertaining probability of conviction of accused Court failed to appreciate several crucial factors which indicated if inappropriate to grant bail-Order granting bail set aside”.**

15. In addition to the above, If bail petition is allowed, then the accused No.1 and 2 being resident of Assam may abscond from the jurisdiction of the court who may try to threaten the

prosecution witnesses in order to escape from the future consequences. In this case, trial is not yet commenced and therefore it is not proper to grant bail in favour of the accused since the alleged offence is heinous offence. If bail is granted the same will give a wrong message to the society. Therefore, I am of the opinion that the accused No.1 and 2 is not entitled for the grant of bail. Hence, I answered point No.1 in the **Negative.**

16. Point No.2:- For the above stated reasons I proceed to pass the following order:

ORDERS

The petition filed under Sec.483 BNSS-2023 by the accused No.1 and 2 is dismissed.

(Dictated to the Stenographer online, computerized by her, script corrected, signed and then pronounced by me in the open Court on this the 8th day of June-2026)

(SIDDANNA B. HANDRAL)
III-Addl.District and Sessions Judge,
Chikkaballapura.