

KACB010019772024



**IN THE COURT OF THE I-ADDL. DISTRICT & SESSIONS
JUDGE, AT CHIKKABALLAPURA**

Dated this the 19th day of February, 2025.

: PRESENT :

Sri. SHIVAPRASAD K.B., B.Com., LL.B.,
I-Addl. District & Sessions Judge,
Chikkaballapura

SESSIONS CASE NO.100/2024

COMPLAINANT: The State of Karnataka,
Rep. by Police Sub Inspector,
Gowribidanur Rural Police Station

(By learned Public Prosecutor)

V/S

ACCUSED NO.1. Manjunath,
S/o Late Chikkahanumanthappa,
Aged about 56 years,
R/at No.63, 6th 'C' Cross,
Behind Rajagopalanagar
Police station, Laggere,
Peenya, 2nd Stage,
Bengaluru - 58.

2. Vijayakumar,
S/o Late Sanjeevappa,
Aged about 42 years,
R/at Konaganahalli Village,
Hossuru Hobli,
Gowribidanur Taluk
Chikkaballapur District

7. Naveen Kumar,
S/o Ramanjinappa,
Aged about 24 years,
R/at Naduvalahalli Village,
Hossuru Hobli, Gowribidanur Taluk,
Chikkaballapur District

**(Rep. by Sri. K.S. Narasimhamurthy,
Advocate)**

**ORDER ON BAIL APPLICATION U/Sec.483 OF
BHARATHIYA NAGARIKA SURAKSHA SANHITHA-2023**

The accused No.1, 2, 7 have filed this bail application under Section 483 of Bharathiya Nagarika Suraksha Sanhitha, 2023, seeking for their release on regular bail for the offences punishable under Sec.189(2), 189(4), 191(2), 191(3), 115(2), 118(1), 352, 351(2), 351(3), 109(1), 103(2) r/w Sec.190 of Bharathiya Nagarika Suraksha, 2023.

2. The accused No.1, 2, 7 by filing the bail application contended that they are in judicial custody since from their arrest and earlier bail petition in CrI.Mis.No.690/2024 came to be rejected for the reason that the investigation is not completed. The accused No.1, 2, 7 further contended that the investigation is completed and prosecution submitted the charge sheet, hence, accused No.1, 2, 7 are not required for further investigation and continuation of their judicial custody is not required. They further contended that the complainant police have falsely inserted them as accused to harass them. They are innocent of the alleged

offences and they have not committed any of the offences as alleged in the complaint by first informant. They are law abiding citizens. The accused No.1, 2, 7 are the permanent residents of address shown in the charge sheet. The accused No.1, 2, 7 undertake to appear before this Court and ready to abide by the conditions that may be imposed for their release. Thus, they prayed to allow the bail application.

3. The learned Public Prosecutor filed the objections statements resisting the bail application averments. It is contended that the charge sheet materials prima facie shows the commission of alleged offences, If the accused No.1, 2, 7 enlarged on bail, they may tamper the prosecution witnesses or flee from justice. The alleged offence punishable with extreme penalty. Hence, it is prayed to dismiss the bail application.

4. Heard the learned counsel for the accused No.1, 2, 7 and learned Public Prosecutor.

5. Upon perusal of the materials on record, the points that arise for my consideration are as under;

Point No.1 : Whether the accused No.1, 2, 7 made out the ground for their release on regular bail under Sec.483 of B.N.S.?

Point No.2 : What order?

6. My finding to the above points are as follows:

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

Point no.2 : As per final order,
for the following;

REASONS

Point No.1:

7. The FIR in Cr.No.224/2024 dated 18.08.2024 came to be registered for the offences punishable under Sec.189(3), 191(2), 191(3), 115(2), 118(1), 352, 351(2), 351(3) r/w Sec.190 of Bharathiya Nagarika Suraksha Sanhita, 2023 against the accused No.1 to 7 on the statement of CW.1 and after the death of Nanjundappa, on the complaint of CW.1, added Sec.103 of BNS in the case. The accused No.7, 1, 2 are arrested on 20.08.2024, 23.08.2024, 25.08.2024 respectively and since then, they are in custody. The investigating authority, after investigation laid the charge sheet against the accused no.1 to 7 for the offences punishable under Sec.189(2), 189(4), 191(2), 191(3), 115(2), 118(1), 352, 351(2), 351(3), 109(1), 103(2) r/w Sec.190 of Bharathiya Nagarika Suraksha, 2023.

8. The learned counsel for the accused No.1, 2, 7 vehemently argued that the accused No.1, 2, 7 falsely implicated in the case and there is no prima facie case against them. The investigation is completed and further

detention of accused No.1, 2, 7 is not required. The accused No.1, 2, 7 ready to furnish the surety and ready to abide by the conditions that may be imposed by the Court. Hence, he prayed to allow the bail application.

9. Per contra, the learned Public Prosecutor argued that the accused No.1 to 7 formed unlawful assembly, picked up quarrel with CW.2 and assaulted CW.1 and Nanjundappa with deadly weapons and caused the death of Nanjundappa. The accused No.1, 2, 7 are the members of unlawful assembly and there is specific allegation against them. The charge sheet materials, prima facie discloses the involvement of accused No.1, 2, 7 and they have involved in the grave offence. If the accused No.1, 2, 7 are enlarged on regular bail, they may tamper the prosecution evidences. Hence, she prayed to dismiss the bail application.

10. I have carefully perused the charge sheet materials. It appears from the record that, the accused No.1, 5, CW.2, 3, 7 and deceased Nanjundappa are the children of Chikka Hanumnthappa; accused No.3 is the wife and accused No.7 is the son of accused No.5; accused No.2 is the brother of accused No.3; accused No.4 is the son of accused No.1. CW.1 is the son and CW.4 is the wife of CW.2; CW.3 is the sister of accused No.1, 5, CW.2, 7 and deceased Nanjundappa; CW.5 is the wife of CW.1. Further,

on perusal of charge sheet materials, it appears that the family members of Chikka Hanumanthappa claimed that the property bearing Sy.No.43 measuring 2 acres of Kambalahalli village mortgaged to Narasimhaiah and about 60 years back, their family migrated to Konaganahalli village and after property dispute, the legal heirs of Narasimhaiah filed the civil suit in O.S.No.68/2011 against the family members of CW.7, before the Civil Court at Gowribidanur. According to prosecution, the deceased Nanjundappa was following the said civil suit on behalf of his family and as the other family members did not pay the expenditure, he planned to sell the said property to third party by compromising the matter with the legal heirs of Narasimhaiah, for which the family members of accused were not agreed. Further, it appears that the dispute in the family members of deceased Nanjundappa with regard to settlement of civil suit is the cause for the alleged incident in front of the house of CW.1 and 2.

11. As per the charge sheet materials, the accused No.1 to 7 formed unlawful assembly with deadly weapons, accused No.1, 2, 6, 7 have caused hurt to CW.1, 2, 4 and Nanjundappa with club and accused No.5 caused hurt to CW.1, accused no.3 and 4 caused hurt with hands to CW.5. However, the charge sheet materials does not show any medical records to show hurt to CW.4, 5. The postmortem report annexed to the charge sheet indicates that the death

of Nanjundappa is due to head injury. The said postmortem report further reflects that deceased Nanjundappa has sustained abrasion over left parietal region measuring 4x2 cm, abrasion measuring 2x0.5 cm over right cheek. Further it appears that diffused sub-dural and subarachnoid hemorrhages both cerebral hemisphere and blood extravasation measuring 10x5 cm present over both left and right temporal parietal region and both temporals contused. Further, it appears fissured fracture over right side of middle cranial fossa measuring 5 cm in length. So, it prima facie appears that death of deceased Nanjundappa due to the head injury sustained. The wound certificates produced indicates that the CW.1 sustained injury to his head and shoulder, and CW.2 sustained injury to his hip.

12. According to prosecution, the accused No.2 assaulted on the head of CW.1 and deceased Nanjundappa with club and while he fell down the accused No.7 assaulted with the same club on the head of Nanjundappa. Further, the accused No.1 assaulted on the left hip of CW.2. As indicated above, the PM report reflected the injuries on the head of deceased Nanjundappa and prima facie appears the death of Nanjundappa was due to head injury; and the medical records produced reflects the injuries head and shoulder of CW.1 and hip of CW.2. The charge sheet reveals that after arrest of the accused no.1, 2, 7, they gave the disclosure statements and on the disclosure

statements of accused no.2 and 7, the investigating authority recovered the clubs allegedly used for the hurt against deceased Nanjundappa, CW.1 and 2. The charge sheet materials reveals that there is specific overt act attributed against the accused No. 1, 2 and 7 and there are materials to believe that the said accused no.2 and 7 caused grievous hurts on the vital parts of deceased Nanjundappa which resulted in his death and further, they caused hurt to CW.1 and accused no.1 caused hurt on the hip of CW.2. The charge sheet materials shows the active involvement of accused no.1, 2, 7 in the incident and there is prima facie case made out against them for the alleged grave offense of murder. The accused No. 1, 2, 7 committed the heinous offenses. The prosecution apprehends that if the accused No.1, 2, 7 are enlarged on regular bail, they may tamper the prosecution evidences. As indicated above, there is prima facie case made out against them and they are the prime accused in the incident, and the apprehension of the prosecution is justified. It is true that the accused no.3 to 6 are enlarged on bail as there is cloud of suspicion with regard to their involvement in the incident. As there is specific role attributed against the accused no.1, 2, 7, the parity ground can not be extended to accused no.1, 2, 7. Thus, the accused No.1, 2, and 7 could not make out ground to enlarge them on regular bail, at this stage. Hence, I hold the point No. 1 in the **Negative.**

Point no.2:

13. In view of my above finding on point no.1, I proceed to pass the following:

ORDER

The application filed by the accused No.1-
Manjunath S/o Late Chikkahanumanthappa,
accused No.2-Vijayakumar S/o Late
Sanjeevappa, accused No.7-Naveen Kumar
S/o Ramanjinappa, under Sec.483 of B.N.S.S.
is **dismissed**.

(Dictated to the STENOGRAPHER directly on computer, computerized by him, SCRIPT corrected, signed and then pronounced by me in the open Court on this the 19th day of February - 2025.)

(SHIVAPRASAD K.B.)

I Addl. District & Sessions Judge
Chikkaballapura.