



Presented on : 25-03-2026

Registered on : 25-03-2026

Decided on : 02-04-2026

Duration : 08 days

IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE, AT: CHITRADURGA

Present: **Sri Ron Vasudev, B.Com,LL.B.(Spl)**
Prl. District & Sessions Judge,
Chitradurga

Dated this the 2nd day of April, 2026

Crl.Misc.313/2026

Petitioners:	1. Odivelu s/o Chinnavenkataswamy, aged about 34 years, Occ: Labour work, r/at Vaddarapalayam village, Sullagiri taluk, Krishnagiri District, Tamilnadu State, 2. Raja @ Raju.K. s/o Late Kupuswamy, aged about 52 years, Occ: Labour work, r/at H.No.19, B.D.Quarters, L.R.Nagara, Kormangala, Bengaluru-27, 3. Ganesh.T.C. s/o Chandrashekar, aged about 25 years, Occ: Private job, r/at Near Ganapathi temple, Shanthi Nagar, Tumkur district, Presently r/at Ismail Nagar, Near Masjid, 1st cross, Tumukuru town, 4. Ramachandra R.B. s/o R.R.Bothesh, aged about 35 years, Occ: Private job,
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	r/at Sri Ranga Nilaya, Saraswathipuram, 2 nd main 1 st Cross, Tumukuru town, The petitioners are Accused No.1 to 4 in Cr.No.127/2026 of Bharamasagara police
	(By Sri.G.M.Pradeep Kumar, Advocate.)

/versus/

Respondent:	State by Bharamasagara Police.
	(By the Public Prosecutor, Chitradurga)

ORDER

Accused No.1 to 4 in Bharamasagara police station Cr.No.127/2026 have filed this petition seeking bail in respect of offences punishable U/Ss.312, 324(4) of BNS. It is opposed by the learned Public Prosecutor by filing his written objections.

2. I have heard the arguments of Sri.GMP Advocate for the accused and learned PP for State. Perused the case file. Now the following points would arise for my consideration:

- 1. Whether the accused No.1 to 4 are entitled for regular bail as prayed for?*
- 2. What order?*

3. On careful reading of the entire file and CD copies filed along with objection statement by learned Public Prosecutor, my finding to the above points are as under :-

Point No.1 – In the negative,

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

REASONS

4. Point No.1:- The complaint filed by one Papanna s/o Gadrappa r/o Garden house, situating at N.Baligatte would show that, he is working as gardener in the garden land belonging to one Devendrappa of N.Baligatte and on 20.3.2026 at about 8.00 pm when he was sitting in front of the garden house, situating in that land, these accused No.1 to 4 along with others came there and among them two of them held his hands, whereas the other accused threatened him to open the adjoining garden house doors which were locked and asked him to disclose where they have kept money. Though Papanna stated that no such money is kept in the said locked houses, without listening to him, they broke open the locks of the garden houses and searched in them and when they did not find anything there, they broke window glasses, bulbs and tube lights and caused damage. While leaving that place one of the accused removed his mask as such Papanna could identify him. Thus being unable to find any valuable thing or material in the said houses, these accused and others left that place. Immediately Papanna informed one Nagaraj of N.Baligatte and his landlord-Devendrappa. All of them came there along with other villagers and they started searching these accused. In the meanwhile police patrolling team also came as they were informed by calling 112 and on search of the path followed by the accused, they could trace these accused No.1 to 4 and were brought to the Bharamasagara police station and were subjected to enquiry. Then accused disclosed that themselves and accused No.5 to 8 had come to the said village in order to

commit dacoity in two cars and one of their vehicle turned turtle, whereas the other car and other accused have escaped. Thus they disclosed their names as well as names of accused No.5 to 8 and their plan to commit dacoity in and around the N.Baligatte. The said accused were produced before the II Addl. Civil Judge & JMFC on 21.3.2026 and they were remanded to custody.

5. Accused No.1 to 4 submit that, they have not committed any offence as alleged against them; that they are residing at the addresses shown in the cause title having deep roots in the society; that they are having large families to take care of; that they are the only earning members of their family; that they would undertake to appear before the court on all the dates of hearing without fail; that they are ready to furnish surety for their release and they are ready to obey the conditions to be imposed herein; that the offences alleged are not exclusively punishable with death or life imprisonment; that they have been falsely implicated in the case in hand, they pray to admit them to bail.

6. Per contra, learned PP contended that since these accused came in two cars along with accused No.5 to 8 in order to commit dacoity and they having failed in their attempt to commit dacoity due to turtling of one car while escaping from that place, these four accused were able to be arrested by the IO, whereas other four accused are still at large and leaving these accused on bail at this stage would certainly affect the on going investigation and it will

become difficult to secure the presence of other absconding accused; that though the offences alleged are not exclusively punishable with death or life imprisonment, but these accused have committed heinous offences and investigation is still in progress, it contended that it is not proper to admit them on bail. In support of his submission he also produced CD copies.

7. The case file shows that after producing these accused before the jurisdictional court, at the instance of IO they were remanded to police custody for three days vide order dated 23.3.2016 and having carried out further investigation the IO has recorded their voluntary statements, did mahazars and recovered certain incriminating materials at their instance. The CD copies would show that still accused No.5 to 8 are not traceable and investigation is in progress, further CD copies would show that already the IO has visited the place of occurrence, prepared the mahazar and seized the car which was used for dacoity and the iron rod and knives used for commission of offences.

8. Looking to the investigation done by the IO so far and incriminating materials collected by him and reporting of the same to the court the vide PF No.70/2026 and 77/2026 both dated 21.3.2026 and mahazars drawn at the places shown by the accused, it appears that these accused are prima facie involved in the offences alleged along with the other absconding accused.

9. In the given facts and circumstances, as rightly submitted by the prosecution if these accused are let on

bail certainly it would come in the way of securing the presence of the absconding accused No.5 to 8. The allegation that these accused had come up with an intention to commit robbery and they were unsuccessful and they were not able to get booty in the garden houses of Devendrappa, would certainly indicate their propensity to commit offences without any fear of law. Admittedly when the investigation is still in progress it may not be proper to admit them to bail. In the event it they are admitted to bail, it may come in the way of nabbing rest of the accused, wherefore holding that it is not the proper stage to exercise the discretion in their favour only on the reason that offences alleged are not exclusively punishable with death or life imprisonment, taking note of the gravity of the offences alleged and materials collected by the IO so far, I answer this point in the negative.

10. Point No.2:- In view of the above finding, I proceed to pass following:

ORDER

Petition filed under Section 483 of BNSS in respect of Bharamasagara police station Cr.No.127/2026 registered for the offences punishable U/Secs. U/Ss.312, 324(4) of BNS is rejected.

(Dictated to the Stenographer Grade-II, transcribed and computerized by him, corrected and signed by me and then pronounced in the open Court on this the 2nd day of April, 2026).

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.