



Presented on : 27-03-2026

Registered on : 27-03-2026

Decided on : 15-04-2026

Duration : 19days

**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 15th day of April, 2026

Crl.Misc.328/2026

Petitioners:
(A2 & 3)

1. G.O. Kantharaj
S/o Onkarappa. G.D.
Aged about 58 years,
Occ: Agriculturist,

2. Saritha. L.
W/o Kantharaj. G.O.
Aged about 43 years,
Occ: Housewife,

Both are R/o near Anjaneya
Temple, Kadleguddu Village,
Chitradurga Kasaba.

(By Sri. B.K. Rahamathulla. Advocate)

-VERSUS-

Respondent :

State by Bharamasagara Police.

(By the Public Prosecutor, Chitradurga)

ORDER

This petition is filed U/Sec.483 of BNSS in respect of Bharamasagara Police Station Cr.No.136/2026 registered for the offences punishable U/Ss.103(1), 45, 126(2) R/W/S.3(5) of BNS.

2. In nutshell the contents of the complaint filed by one Yogesh. V. S/o Veerabhadrappe, R/o Kadleguddu village is that they are having 2½ acres of land in Kadleguddu village in Sy.No.32/1 and they have planted areca saplings there and adjoining to their land these accused are having their own land and in respect of the said two adjoining lands, there is a dispute between them for the last one year and on many occasions there were quarrels between them and cases are also registered against each other. That because of the said enmity the petitioners, who have been arrayed as accused No.2 and 3 in the FIR, were always telling everybody that their minor son (A1/JCL) if commits the offence he will not punished severely so will see that they will eliminate Yogesh and his family members with the help of their said son. Thus they were spreading that rumor in the village. That on 24.03.2026 at about 10.00 am when Veerabhadrappe S/o Nagendrappe i.e., father of Yogesh and a boy-Yashwanth of 10 years had been to their land in a cart, near their land the said JCL brought a tractor and hitting that cart made Veerabhadrappe to fall down from it and then by attacking him with a chopper on his

face and other vital parts of the body, caused his death at the spot. Having seen that gruesome attack, the said Yashwanth ran back to the house and informed the Yogesh. Immediately Yogesh came there with his friend and saw the JCL attacking his father with chopper. He recorded the said attack in his mobile. On seeing the Yogesh, JCL invited him also to come near his so that he can kill him too. The other neighbouring land owners also gathered at the spot and they saw that Veerabhadrappa is no more. Wherefore alleging that intentionally these petitioners i.e., the accused No.2 & 3 by instigating the JCL have got committed murder of his father, the said Yogesh filed complaint in Bharamasagara Police Station.

3. Having registered the case and took up investigation, the said police arrested these accused No.2 and 3 and produced them before II Addl. Civil Judge & JMFC., Chitradurga on 25.03.2026 and on the same day looking to the nature of allegations levelled against them, the said court remanded them to custody. Thus they have filed this petition seeking bail on the following grounds:

That they are law abiding and gainfully employed as agriculturists and are sole bread winners of their family; that they have to take care of their aged parents and dependents; that they are having deep roots in the society having no criminal antecedents; that they have been

falsely implicated in this case due to long enmity; that no prima-facie case as such is made out against them; that on the basis of uncorroborated statement and when there is no independent witness having witnessed the said incident and when no recovery of incriminating article is to be made from their custody, unnecessarily they have been arrested and produced before the court; that they are ready to co-operate in the investigation and they will take the trial promptly; that after their production before the jurisdictional court, no request is made by the IO for police custody and their continued detention in prison serves no purpose; that they are permanent residents of the address shown in the cause title; that they do not possess passport or having any foreign connection so as to leave the jurisdiction of this court; that refusal of bail cause irreparable hardship to them and to their family; that granting of bail to them will not prejudice the interest of the prosecution; that they have not committed any offence as alleged against them and unnecessarily they have been implicated in the case in hand and they are prepared to furnish surety for their due appearance and they would obey the conditions to be imposed herein etc., they pray to admit them to bail.

4. On the other hand reiterating the complaint allegations the prosecution contends that after registration of the case, the IO has visited the place of occurrence, prepared mahazar, recorded the statements

of some of the witnesses and inquest was got done and many incriminating items have been seized from the place of occurrence and during interrogation, the JCL has given voluntary statement stating that as per the instructions of his parents (A2 & 3) he has committed murder and still investigation is in progress and in the given facts and circumstances of the case if bail is granted to them, certainly it will affect the on going investigation; that these accused are financially strong and they may win over its witnesses and tamper its evidence and further that several cases have been filed against them showing their criminal antecedents and a JCL cannot commit such a gruesome murder in the absence of ill-advise of his parents and no boy has so much of dareness to commit offence in the broad day light and at the place, where normally no persons will be there, indicate their motive to eliminate the deceased, preparation and execution of the said plan; that if these accused are released on bail, they may abscond from the jurisdiction of the court and the offences alleged are punishable with death or life imprisonment etc., it prays to reject their petition.

5. Along with its objection statement the prosecution has also produced two memos and in one memo it has produced photographs and copies of FIR's of other cases registered against the accused No.2 and his

family members and through another memo it has produced CD copies.

6. In this background now the following points would arise for my consideration:

1. *Whether the accused No.2 & 3 are entitled for regular bail as prayed for?*
2. *What Order?*

7. I have heard the arguments of Sri BKI advocate for the accused and learned Public Prosecutor for the State. Perused the decisions reported at 2016 Crl.L.J.176 (Balu @ Bala Subramaniam and another V/s State (U.T. of Pondicherry); Docid#IndLawLib/486259, Karnataka High Court (Eshwar Thapa V/s State of Karnataka by Ramamurthy Nagara Police Station); Docid#IndLawLib/581343, Karnataka High Court (Annaddore V/s State of Karnataka); Docid#IndLawLib/1486108, Karnataka High Court (Allabakash V/s State); Docid#IndLawLib/1165580 (2017) 4 AICLR 46:(2017) 2 AIRKarR 102 Karnataka High Court (R. Anand V/s State of Karnataka); Docid#IndLawLib/1359053, Karnataka High Court (Narayanamma V/s State of Karnataka) & Docid#IndLawLib/1557339, Karnataka High Court (Dharwad Bench) (Wasim Bankapur V/s State of Karnataka) relied by Sri BKI advocate. I have also gone through the CD copies and other materials made

available by the prosecution. On careful evaluation of all materials, my findings to the above points are as under:-

Point No.1 – In the negative,

Point No.2- As per final order,

for the following:

REASONS

8. **Point No.1:-** During the arguments referring to the allegations made in the complaint, Sri BKI advocate canvassed that admittedly these two accused were not at the place of occurrence and on that day the said couple had come to Chitradurga to take treatment in Dental Hospital and regarding which they have produced enough documents and in the circumstances it would be incorrect to reject their prayer for enlarging them on bail. In support of his submission he relied on the decisions cited above.

9. On the other hand learned Public Prosecutor canvassed that as it was a pre-planned murder, these two accused by instigating their JCL (A1) to commit murder, left the village to save their skin and the said JCL by using chopper gave deadly blows to the victim and before that he drove the tractor and hit the cart so that victim should fall on the ground from it and then he has inflicted injuries and on hearing the news of attack when the complainant went to the place, the JCL threatened him also by wielding the chopper and by stating that he would kill him and the said furious behaviour of JCL is

videographed by the complainant in his mobile and whatever that has occurred in the house and near the house of the accused on the said day is recorded in CC Camera installed near their house and all those pictures are sent to FSL and materials collected by the IO at this stage would show direct involvement of these accused in abetting their young son (JCL) to commit murder of Veerabhadrappa, it prays to reject their petition.

10. On going through the case file I too find that the way the JCL allegedly proceeds to attack the victim baffles anybody's mind. It may be noted that he initially drove the tractor and hits the cart ridden by the deceased and once he fell down, he allegedly gives him blows with chopper. Further allegation in the complaint that when the complainant went to the place still the JCL was at the spot and even by shouting at the complainant he invited him to come closer to him so that he can finish him also and the said process was videographed by he complainant in his mobile and yet the JCL did not relent in his mood to attack show the furiousness or the enmity that was filled in his mind and heart by these two accused.

11. The further allegation that mobile recording and CC TV footages of the house of the accused are sent to FSL to ascertain the further role of these accused in the murder of Veerabhadrappa. Whether the said

allegations made in the complaint are completely true or false that cannot be determined at this stage, but on the reason that these accused No.2 and 3 had come to Chitradurga and they were engaged in getting treatment in Dental Hospital which is evidenced by the documents does not completely prove their innocence and absence of their involvement in the offences alleged.

12. The fact that previously the cases were filed against each other including PAR cases for the purpose of maintaining good behaviour, law and order are enough indication that these accused No.2 and 3 are not so innocent as claimed by them and it is incorrect on their part to claim that they have no criminal antecedents. In this regard I would refer to Bharamasagara Police Station Cr.No.295/2015 registered for the offences punishable U/Ss.427, 506, 341, 504, 447, 323 R/W/S.34 of IPC wherein the accused No.2 is also accused No.2 in that case and that complaint was filed by one Thippeswamy. M.H. and trial is going on in that case at CC No.1792/2015 and one more case at Bharamasagara Police Station Cr.No.531/2025 registered for the offences punishable U/Ss.115(2), 118(1), 352, 351(2), 329(3), 74 R/W/S.3(5) of BNS, wherein this accused No.2 is accused No.1 and at the same time the accused No.1 has also filed complaint against the deceased and complaint at Bharamasagara Police Station Cr.No.533/2025 for the offences punishable U/Ss.109, 118(1), 351(2), 352 R/W/

S.3(5) of BNS, registration of PAR No.9/2026 by Bharamasagara Police on 17.02.2026 is abundant evidence that both families were in loggerheads and there is substance in the submission of the prosecution that these two accused were planning to eliminate the said victim-Veerabhadrapa.

13. In order to to show their innocence, the accused have produced photographs and pen drive as well as medical records of SJM Dental College & Hospital, Chitradurga and submit that on the fateful day they had come to Chitradurga for taking treatment, therefore it is incorrect on the part of the complainant to rope in them in the case in hand. According to me looking to the gruesome murder of Veerabhadrapa that too by a JCL, who is none other than the son of these two accused, the long standing enmity between two families are sufficient indication that in the absence of instigation and abettement from these two accused, said JCL could not have committed such heinous offence.

14. The photographs of the deceased produced by the prosecution with memo would show place of occurrence and also his disfigured face showing intensity of inflicting of injuries and the vital organs choosen by the JCL to attack. Moreover the offences alleged are punishable with death or life imprisonment and as rightly argued by the prosecution if these accused are let on bail,

spreading of further violence and lawlessness in the village cannot be ruled out.

15. I have gone through the decisions relied by Sri BKI advocate. Particularly Balu's case Hon'ble Supreme Court held that the court has to see the possibility of circumstances before arriving any conclusion. According to me it is aptly applicable to the case in hand. Merely on the reason that these two accused were not there at the place of occurrence and they had come to Chitradurga, may not be a correct view to enlarge them on bail. In his requisition dated 02.04.2026 IO has set out 19 grounds and some are part of the CD copies and they would show how these accused No.2 and 3 pre-planned to eliminate their enemy for ever by using their young son as a weapon. Since the investigation is still in progress, I would like to refrain from reproducing all those grounds urged by the IO.

16. In rest of the decisions, on the ground that there is no overtact on the part of the accused, who sought bail, our Hon'ble High Court was pleased to grant bail to them, but the facts of this case are quite different. Though these accused mercilessly got executed crime through their JCL by avoiding their presence at Kadleguddu and by coming to Chitradurga for treatment, other surrounding circumstances would certainly point out at them and they indicate that it is they who are

really cause behind murder of Veerabhadrappa. Wherefore holding that this is not fit case where this court can exercise its discretion, I answer this point in the negative.

17. **Point No.2:-** In view of my above findings, I proceed to pass following:

ORDER

Petition filed U/Sec.483 of BNSS in respect of Bharamasagara Police Station Cr.No.136/2026 registered for the offences punishable U/Ss.103(1), 45, 126(2) R/W/S.3(5) of BNS is dismissed.

(Dictated to the Stenographer Grade-III, transcribed and computerized by her, corrected and signed by me and then pronounced in the open Court on this the 15th day of April 2026)

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.

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