

KACD010046522025



Presented on : 08-12-2025
Registered on : 08-12-2025
Decided on : 24-12-2025
Duration : 16 Days

IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA

Present :- SRI. VEERANNA SOMASEKHARA
B.Com., LLB(Spl.)

1st Addl. Dist & Sessions Judge,
Chitradurga

Dated this 24th day of December 2025

S.C. No.163/2025

Accused :- Smt. Prabha W/o Girisha, Aged about 42 years,
Occ: House wife, R/o Yadagatta Village, Sri
Rampura Hobli, Hosadurga Taluk, Chitradurga
District.

(By Sri. M. Umesh, Advocate)

/Vs/

Respondent : State by: Srirampura P.S.,
(By Public Prosecutor, Chitradurga)

ORDERS ON BAIL APPLICATION

The accused has filed this bail application U/Sec.483 of
Bharatiya Nagarik Suraksha Sanhita, 2023 prays to enlarge her on
regular bail in this case.

2. The brief facts that leads to the petition are as under:-

The respondent police have registered the case against the petitioner/accused in Cr.No.195/2025 for the offences punishable U/Sec.352 and 103(1) of BNS on the basis of the complaint lodged by one Smt. Kaveramma W/o Late Basavarajappa, resident of Yadaghatta Village, Hosadurga Taluk. After registration of the case and during the course of investigation, on 10.08.2025, the respondent police have arrested the accused and produced her before the learned Addl. Civil Judge and JMFC, Hosadurga along with remand application. Then the said court has remanded the accused to judicial custody and since then, the accused is in judicial custody.

3. Further, after completion of the investigation, the investigation officer has filed the charge-sheet against the accused before the learned trial court for the offences punishable U/Sec.352 and 103(1) of BNS. Thereafter, the learned trial court has taken the cognizance for the above said offences and acting U/Sec.209 of Cr.P.C., the case was committed to this court and the same was registered as SC No.163/2025. Thereafter, the presence of the accused was secured before the court from the custody and since then the accused is in judicial custody. Hence, at present, the accused has filed this bail application seeking to grant regular bail in her favour under the various grounds.

4. The accused has contended in the bail application that, she is innocent and has not committed any offences as alleged against her. Further she has contended in the bail application that, at the crime

stage, she has filed the bail application U/Sec.483 of BNSS before the 2nd Addl. District and Sessions Judge, Chitradurga in Crl.Misc.No.1116/2025 and after hearing both the side, the said court has rejected the bail application filed by her.

5. Further the accused has contended in the bail application that, since 10.08.2025, she is in judicial custody and at present, the investigation officer has completed the investigation and filed the charge-sheet against her for the offences punishable U/Sec.352 and 103(1) of BNS, as such, at present, question of threatening the prosecution witnesses and also tampering the prosecution documents by her does not arise. Further it is the contention of the accused that, on perusal of the entire contents of the complaint it clearly shows that, the ingredients of Sec.352 and 103(1) of BNS are not attracted against her. Further the accused has contended in the bail application that, she did not have any motive to commit the alleged offences as mentioned in the charge-sheet and the alleged incident has occurred behind the control of her, as such, the allegations made in the complaint against her are false and also the investigation officer has not seized any items from the alleged crime scene, as such, the case registered by the respondent police against her is false one.

6. Further the accused has contended in the bail application that, she is the only bread earner in her family, as such, the entire family members of her are depending upon the income of her, as such, at this stage, the presence of her is very much necessary in her family, as such, at this stage, if she has not enlarged on bail as prayed for,

then the entire family of her will be suffered lot. Further the accused has contended in the bail application that, she is the permanent resident of Yadaghatta Village, Srirampura Hobli, Hosadurga Taluk and owning movable and immovable properties in the said village and also she is a women, as such, she is entitled the benefit of proviso of Sec.480(2) of BNSS. Further the accused has contended in the bail application that, she is ready to abide the conditions that may be imposed by the court and ready to furnish the surety for the satisfaction of this court. On these among other grounds, the accused has sought this court to grant regular bail in her favour by allowing the bail application filed by him.

7. After receipt of the copy of bail petition, the learned public prosecutor has filed the objection to the bail application, wherein he has reiterated the contents of complaint and charge-sheet and contended that, at this stage, the instant bail application filed by the accused is not maintainable in the eyes of law, as such, the same is liable to be dismissed. Further he contended that, on perusal of the contents of statement of the witnesses attached to the charge-sheet, it clearly shows that, at this stage, there is a prima-facie materials available against the accused and also prima-facie the accused has committed the offences leveled against her as mentioned in the charge-sheet.

8. Further learned public prosecutor contended in the objection that, the offences leveled against the accused are non-bailable in nature and heinous one, as such, at this stage, if the

accused is enlarged on bail, then it will give wrong message to the society and also at this stage, if the accused is enlarged on bail, then there is every chance of destroy the prosecution evidence and also there is every chance of threaten the prosecution witnesses by the accused and also she may absconding from the jurisdiction of the court, as such, at this stage, the bail application filed by the accused is liable to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the accused.

9. Heard the arguments of both the sides and perused the grounds of petition and the documents available on record.

10. The following points that would arise for my consideration are:

1) Whether the petitioner/accused has made out a sufficient grounds for grant of regular bail in her favour as prayed for?

2) What order?

11. My finding on the above points are as under:

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

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

REASONS

12. **POINT No.1:-** During the course of arguments, learned counsel for the accused argued by reiterating the contents of bail application filed by the accused. Further he argued that, the respondent police have registered a case against the accused in

Cr.No.195/2025 for the offences punishable U/Sec.352 and 103(1) of BNS on the basis of complaint lodged by one Smt. Kaveramma W/o Late Basavaraj, resident of Yadaghatta Village, Hosadurga Taluk and after registering the case on 10.08.2025, the respondent police have arrested the accused and produced her before the Addl. Civil Judge and JMFC, Hosadurga along with remand application. Then the said court has remanded the accused to judicial custody, as such, since 10.08.2025, the accused is in judicial custody.

13. Further learned counsel for accused argued that, at present, after completion of the investigation, the investigation officer has filed the charge-sheet against the accused before the above said court and thereafter the said court has took the cognizance for the offences punishable U/Sec.352 and 103(1) of BNS and later acting U/Sec.232 of BNSS, the learned trial court has committed the case to this court, as such, at present, the accused has filed this bail application U/Sec.483 of BNSS seeking to grant regular bail in her favour. Further he argued that, on perusal of the contents of the charge-sheet, it shows that, the accused has not committed the offences as alleged against her and also admittedly the accused is the wife of deceased Girish, inspite of that, the respondent police have registered a false case against the accused and also at present, the investigation officer has filed the charge-sheet against her for the offences punishable U/Sec.352 and 103(1) of BNS, as such, at present, the presence of the accused is not required to the investigation officer for the purpose of investigation of the case, as such, at this stage, if the accused is not enlarged on bail by granting

regular bail in her favour as prayed for, then, the entire family of her will be suffered lot.

14. Further learned counsel for accused argued that, the investigation officer has cited as many as 34 witnesses, as charge sheet witnesses, as such, it will take longtime to conclude the evidence of prosecution, as such, at this stage, if the accused is retained in the custody for longtime, then she will suffered lot and also her family will be put to great hardship, as such, at this stage, the accused is entitled the regular bail as prayed for. Contending the above facts, learned counsel for accused prays to grant regular bail in favour of the accused by allowing the bail application filed by her.

15. In support of his arguments, learned counsel for accused relied upon an order **dated 14.06.2024 passed by the Hon'ble High Court Karnataka, Dharwad Bench in Criminal Petition No.101637/2024 (Smt. Mahadevi Vs. The State of Karnataka, through PSI, Nandagad Police Station).**

16. On the other hand, learned public prosecutor argued by reiterating the contents of charge-sheet filed by the investigation officer and submit that, on perusal of the contents of charge-sheet filed by the respondent police, it clearly shows that, at this stage, there is a prima-facie materials available against the accused and also prima-facie it shows that, the accused has committed the offences leveled against her. Further he argued that, mere completion of investigation of the case by the investigation officer and also mere filing of charge-sheet by the investigation officer before the court against the accused is not

a good ground to enlarge the accused on bail, as such, at this stage, if the accused is enlarged on bail, then there is every chance of threatening the prosecution witnesses and also there is every chance of destroy the prosecution evidence by the accused, as such, at this stage, the bail application filed by the accused is liable to be rejected. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the accused.

17. On perusal of the materials available on records, it shows that, the respondent police have registered a case against the accused in Cr.No.195/2025 for the offences punishable U/Sec.352 and 103(1) of BNS, on the basis of complaint lodged by one Smt. Kaveramma W/o Late Basavarajappa, resident of Yadaghatta Village, Hosadurga Taluk. Further on perusal of the records, it shows that, admittedly since 10.08.2025, the accused is judicial custody.

18. Further on perusal of the contents of the bail application, it shows that, before filing this bail application, the accused has already filed the similar bail application before the 2nd Addl. District and Sessions Judge Court, Chitradurga in CrI.Misc.No.1116/2025 seeking to grant regular bail in her favour and after hearing both the side, the said court has passed an order dated 13.11.2025 by rejecting the above said bail application filed by the accused. Further on perusal of the records, it shows that, till today the above said order passed by the 2nd Addl. District and Sessions Judge Court, Chitradurga is not challenged by the accused before the Hon'ble Appellate Court and also till today the Hon'ble Appellate Court has not set-aside the said

order passed by the 2nd Addl. District and Sessions Judge Court, Chitradurga. Considering the above facts, I am of the opinion that, the above said order passed by the said court is binding on the accused.

19. Further on perusal of the contents of charge-sheet filed by the investigation officer which is available in the file, it shows that, admittedly after completion of investigation, the respondent police have filed the charge-sheet against the accused for the offences punishable U/Sec.352 and 103(1) of BNS.

20. Further as stated above that, at present, the contention of the accused is that, already the respondent police have completed the investigation and filed the charge-sheet against her for the offences punishable U/Sec.352 and 103(1) of BNS, as such, at present, her presence is not required to the investigation officer for the purpose of investigation of the case, as such, at present, she is entitled the regular bail as prayed for. But, on perusal of the contents of the charge-sheet available in the file, it shows that, at this stage, there is a prima-facie materials available against the accused. Further merely the investigation officer has completed the investigation and filed the charge-sheet is not a good ground to enlarge the accused on regular bail as prayed for. Considering the above facts and for the above reasons, I am of the opinion that, the contention raised by the accused is not acceptable one.

21. Further on perusal of the contents of the charge-sheet, it shows that, the offences alleged against the accused are non-bailable in nature and heinous one and the offence U/Sec.103(1) of BNS is

punishable with death or imprisonment for life and fine.

22. Further as stated above that, the contention of the accused is that, she has not committed any offences as alleged in the charge-sheet, inspite of that, the respondent police have filed the false charge-sheet against her. But on perusal of the contents of FSL report and contents of charge-sheet, it shows that, at present, there is a prima-facie materials available against the accused. Considering the above facts, I am of the opinion that, at this stage, if the accused is enlarged on regular bail, then there is every chance of absconding by her from the jurisdiction of this court and also she may threaten the prosecution witnesses and also destroy the prosecution evidence. Considering the above facts and for the above reasons, I am of the opinion that, at this stage, the accused has failed to made out a good grounds to allow this bail application filed by her.

23. At this stage, I have gone through the above mentioned order passed by the Hon'ble High Court of Karnataka, Dharwad Bench in **Criminal Petition No.101637/2024 (Smt. Mahadevi W/o Babu Karki Vs. The State of Karnataka through PSI, Nandagad Police Station)**. On going through the said order, the observation of the Hon'ble High Court Karnataka in the said order is not aptly applicable to the application on hand as the facts and circumstances involved in the said order and the facts and circumstances of this case are different one.

24. Considering the above facts and circumstances of the case and looking to the gravity of the offences alleged against the

accused and for the above reasons, I am of the opinion that, at this stage, the accused has failed to made out a good grounds to enlarge her on regular bail as prayed for. Accordingly, I answer this point in the **Negative.**

25. **POINT No.2:** In view of the above discussion and findings on point No.1, I proceed to pass the following:

ORDER

The bail petition filed by the petitioner/accused U/Sec.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby dismissed.

(Dictated to the Stenographer Grade-III in part, transcribed and typed by him, corrected by me in the computer, printout taken and then pronounced by me in the open court on 24th day of December-2025).

(Veeranna Somasekhara)
1st Addl. Dist & Sessions Judge,
Chitradurga.