

KACM010004992014



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 25th day of June, 2024

: PRESENT :

Sri. Guruprasad Kulkarni, B.A., LL.B (Hons)
II Addl. District & Sessions Judge
Chikkamagaluru

S.C.25/2014

Complainant:

State by Birur Police,
Birur.

(Rep/by the Public Prosecutor)

-V/s-

Accused:

4. V.Chandrappa @ Chandru,
S/o. Venkateshappa,
Aged about 22 years,
R/o J.P.Nagara, 8th Phase,
Kothanur Dinne, Near Ganesh Temple,
Babu Ready Vatara, Bengaluru,
Permanent: Elesandra, Dankanikote Taluk,
Krishnagiri District, Tamil Nadu State.

(Rep/by Sri G.M.J.,Advocate)

ORDER

The accused No.4 has filed this application under Section 439 of Cr.P.C., to enlarge him on bail.

2. **BRIEF FACTS:**

This is a case registered by the Birur police for the offences punishable under Section 302 and 201 of IPC against the accused Nos.1 to 4. Subsequently Section 120-B r/w Section 34 of IPC is inserted. The accused Nos.1 to 4 are standing trial. The trial is concluded and at the stage of arguments the present bail application is filed by the accused No.4 to enlarge him on bail.

3. The accused No.4 submits that he is innocent of the offences alleged against him. The accused No.4 is in judicial custody since long time due to which his family is badly effected. His detention in judicial custody is not required for further progress of the case. He claims to be belonging to a respectable family and has deep roots in the society. There is no possibility of his abscondance if he is released on bail. The accused Nos.1 to 3 are released on bail and therefore claims parity. There is no incriminating

evidence against him and therefore, prays to release him on bail.

4. Per contra, the Ld., Public Prosecutor has opposed the bail application contending that there are sufficient materials to demonstrate that the accused No.4 has committed the alleged offences along with accused Nos.1 to 3. The offences alleged against accused No.4 is heinous in nature. Earlier the bail application filed by this accused is rejected and therefore there is every likelihood that he may abscond. Hence, prayed to reject the bail application.

5. Heard both sides.

6. Following are the points that arise for my consideration:-

1. Whether the petitioner/accused No.4 deserves to be enlarged on bail?

2. What order?

7. My answer to the above points is as under:

Point No.1: In the negative,

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

REASONS

8. **Point No.1:-** It is the case of the prosecution that on 14.10.2013 at about 9.00 a.m, the accused No.2 in furtherance of common intention at the instigation of accused No.1 in order to commit murder of Puttappa took him to brandy shop where they consumed alcohol and at about 9.30 p.m took him towards Birur in Toyota Qualis vehicle bearing registration No.KA-05/AD-1112 and on Balliganur-Aladahalli road near Coconut garden of Mallappa, the accused Nos.3 and 4 detained Puttappa on either side with hands and accused No.2 ran over the said vehicle over Puttappa in excessive speed thereby causing fatal injuries to Puttappa and committed his murder. It is also further case of the prosecution that accused Nos.2 to 4 along with accused No.1 have committed criminal conspiracy in murdering Puttappa.

9. It is further case of the prosecution that after murdering Puttappa accused Nos.2 to 4 while going back to Bengaluru in the said vehicle at Birur-Kadur road on NH-206 when said vehicle broke down in apprehension of the police

pushed the said vehicle to a bush at Lakshmaiah Extension and removed the front and back number plates of the said vehicle. After leaving said vehicle removed SIM cards of their cell phones with an intention to cause disappearance of evidence. Therefore, the accused Nos.1 to 4 are standing trial for the said offences.

10. On perusal of the records, it is manifest that the accused Nos.1 to 3 are enlarged on bail. On 07.03.2020 the accused No.4 was granted bail. However, since the accused No.4 remained absent and had violated bail conditions NBW was issued against him and on 13.01.2022 he was secured by the police and was remanded to judicial custody. Thereafter he again applied for bail which came to be rejected vide order dated 06.01.2023.

11. It is apparent from the records that the trial in this case is over and the case is posted for arguments. The records reveal that the accused is a resident of Tamil Nadu State. It is also evident that the accused No.4 is irregular in attending the court after he was granted bail due to which the warrant was issued against him and was subsequently

secured and remanded to judicial custody for violating the bail conditions.

12. The above said circumstances goes to show that the accused No.4 has a tendency to have disregard towards the court and has abused the process of law. It is very likely that he may abscond in the event he is released on bail and flee from justice.

13. Therefore, having considered the entire materials on record, I find that the detention of the accused No.4 in judicial custody is necessary. Thus, the apprehension of the prosecution appears to be well founded. The grounds urged by the accused and the contentions put-forth by the defence counsel that the accused is unwell and requires medical assistance as one of the grounds apart from other grounds urged in the petition for granting bail to him is devoid of merits. Hence, the accused does not appear to have made out sufficient grounds to enlarge him on bail. Accordingly, I answer point No.1 in the negative.

14. **Point No.2**:- For the aforementioned reasons, I proceed to pass the following;

ORDER

The bail petition filed by the accused No.4 under Section 439 of Cr.P.C is hereby **DISMISSED**.

(Dictated to the Stenographer Grade-I typed by him, corrected and pronounced by me in open court on this the 25th day of June, 2024)

Sd/-

Guruprasad Kulkarni
II Addl. District and Sessions Judge
Chikkamagaluru