

KACM010004992014



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

Dated this the 18th day of August, 2025

: PRESENT :

Sri. Manjunath, B.A., LL.B
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 Reddy Vatara,
Bengaluru,
Permanently R/at:
Elesandra, Dankanikote Taluk,
Krishnagiri District,
Tamil Nadu State.

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

ORDERS

The learned counsel for accused No.4 has filed this application under section 439 of Cr.P.C., for enlarging him on bail in the above case registered against him and others for the offences punishable under sections 302, 201 of IPC. During the course of trial, section 120(B) R/w section 34 of IPC has been added and charges have been framed for the above said offence.

2. It is contended by the accused No.4 that he is innocent and he has not committed any offences as alleged, but a false case has been registered against him. There are no reasonable grounds to believe that the accused No.4 has committed the offences alleged against him. The accused is the only bread earner of his family. The investigation is already over and the accused No.4 is not required for further investigation. He further undertakes to abide by the terms and conditions that may be imposed by the court for granting bail to him. On these grounds, the accused No.4 sought for allowing the petition.

3. The learned Public Prosecutor has filed objection in detail by reiterating the contents of the complaint and contended that after

completing investigation, the complainant police have submitted charge sheet against the accused persons and the materials placed on record prima-facie discloses the involvement of the accused persons in the crime in question and if at this stage, the accused No.4 is released on bail, he may further flee from justice by remaining absent from the proceedings and hamper the trial. It is also contended that the accused No.4 may also involve himself in the commission of similar offences and he may threaten and intimidate the prosecution witnesses. Accordingly, prayed for rejection of bail petition.

4. Heard the arguments and perused the records.
5. The points that arise for the consideration of this court are:-

POINTS

1. Whether the accused No.4 has made out any ground to enlarge him on bail in the above case?
2. What order?
6. My findings on the above points are as follows:
Point No.1: In the affirmative,
Point No.2: As per the final order for the following:-

REASONS

7. **Point No.1:** It is the case of 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.

8. 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, charge sheet has been filed against the accused Nos.1 to 4 for the said offences.

9. After investigation, charge sheet has been submitted against the accused Nos.1 to 4 for the offences punishable under sections 302, 201 of IPC. The learned JMFC after taking cognizance registered the case in C.C No.12/2014 and thereafter, committed the case to this court. During the course of trial, section 120(B) R/w section 34 of IPC has been added and charges have been framed for the above said offence. During the course of trial, this accused No.4 obtained bail in Crl.Petition No.1764/2014 from the Hon'ble High Court of Karnataka, appeared before this court and released on bail on 26.07.2014 which could be seen from the order sheet dated 26.07.2014.

10. During trial this accused remained absent continuously before this court and hence this court on several occasions issued N.B.W., against accused No.4. On 28.11.2019, this accused No.4 produced before this court under NBW, remanded to judicial custody. Thereafter, filed bail application under section 439 of Cr.P.C., before this court and obtained regular bail on 07.03.2020. Again as this accused No.4 remained absent continuously, NBW has been issued against him and as such, the concerned police have arrested the accused No.4 and produced before the court on

13.01.2022, when the case was posted for recording statement under section 313 of Cr.P.C., which could be seen from the order sheet dated 13.01.2022. This accused No.4 again filed bail application before this court and it was dismissed on 06.01.2023 and again he was remanded to judicial custody. The accused No.4 again filed bail application under section 439 of Cr.P.C., and it is also dismissed by this Court on 26.06.2024. Being aggrieved by the above said dismissal order of bail petitions, this accused No.4 filed Crl.Petition No.5345 of 2025 before the Hon'ble High Court of Karnataka and that petition is also dismissed as withdrawn. Hence, this accused No.4 filed the present application for releasing him on bail. It is seen from the records that since 13.01.2022 till today, he is in judicial custody and almost from 3 ½ years this accused No.4 is in judicial custody.

11. It is seen from the records that the complainant police have already submitted charge sheet by completing investigation, this court is of the opinion that the veracity of the allegations made against the accused No.4 and his involvement in the crime in question is required to be established in the full fledged trial. PW.1 to P.W.20 witnesses have already been examined, Ex.P.1 to Ex.P.52

documents have been marked and material objects have also been marked.

12. It is settled that gravity alone cannot be a decisive factor to deny bail rather the court is required to balance other competing factors while exercising discretion and further it has been categorically held by the Hon'ble Apex court that the object of granting bail is to secure the appearance of accused person at the trial and the object of bail is neither punitive nor preventative. Thus the object of bail is to secure the attendance of accused person in the trial and while exercising the discretion, the court is required to consider the probability of the attendance of accused before the court to face the trial. In this case, nothing has been placed on record to show that the presence of accused No.4 could not be secured for trial without detaining him in the custody.

13. It is seen from the records that admittedly after completing investigation, charge sheet has been submitted by the complainant police. He had obtained bail in Crl.Petition No.1764/2014 from the Hon'ble High Court of Karnataka, appeared before this court and released on bail on 26.07.2014. At this stage, the prosecution has not made out any compelling grounds to detain the accused No.4

further in judicial custody. Moreover, the accused No.4 is ready to furnish surety to the satisfaction of the court and to abide by the terms and conditions that may be imposed by this court. The apprehension and interest of the prosecution that if the accused No.4 is enlarged on bail he may influence the prosecution witnesses or flee from justice can be safeguarded and taken care of by imposing suitable conditions and thus it serves purpose.

14. Thus by taking into consideration the facts and circumstances of the case and the materials available on record without expressing anything on merits or demerits of the case, this court is of the opinion that the accused No.4 has made out a ground to exercise discretion to enlarge him on bail and accordingly, I answer point No.1 in affirmative.

15. **Point No.2:** In view of the above findings on point No.1, I proceed to pass the following:

ORDER

The application filed under section 439 of Cr.P.C., by the accused No.4 is hereby allowed.

The accused No.4 is ordered to be enlarged on bail in the above case on executing personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two local sureties for the like sum with following conditions:

- 1) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing such facts to the court or to any police officer.
- 2) He shall attend the court regularly on all the dates of hearing.
- 3) He shall not involve himself in any criminal activity.
- 4) He shall produce any authenticated proof regarding his permanent abode.
- 5) In case of violation of any of the conditions imposed above, the bail granted in favour of the accused No.4 shall stands canceled.

(Dictated to Stenographer Grade-III directly on computer, script corrected, then signed by me and pronounced in the open court on this the 18th day of August, 2025)

Sd/-
(MANJUNATHA)
II Addl. District & Sessions Judge
Chikkamagaluru.