



**IN THE COURT OF PRL. DISTRICT AND SESSIONS
JUDGE AT CHIKKAMAGALURU**

: PRESENT :

Sri. Guruprasad R. Kulkarni, B.A., LL.B (Hons)
I/c Prl. District & Sessions Judge
Chikkamagaluru

S.C. No.51/2026

Dated this 15th day of May 2026

Complainant State by Tarikere Police, Chikkamagalur.
(Rep/by the Spl. Public Prosecutor)

-V/s-

Accused Riyaz @ Bola
S/o Abdul Ibrahim,
Aged about 19 years,
R/o Kasuva village,
Ghorkpur District,
Uttar Pradesh.

(Rep. by Sri. H.T. Sunilkumar, Adv.)

ORDER

This is a bail application filed under Section 483 of
Bharatiya Nagarik Suraksha Sanhita (for short "BNSS") for
enlarging the accused on bail.



2. The Tarikere Police have registered the case against the accused for the offences punishable under Sections 103(1) of Bharatiya Nyaya Sanhita (hereinafter “BNS”). After registering the case, the police have taken up the investigation during which the accused is apprehended and is in judicial custody.

3. After investigation, the police have filed chargesheet against the accused for the offences punishable under Sections 103(1) & 238 of BNS. After the chargesheet is submitted, the accused has filed this bail application contending that he is innocent and falsely imputed in this case and denies his involvement in the alleged crime. On the contrary, the Ld. Public Prosecutor has contended that the materials disclose that the accused has committed the alleged offences. If released, the accused may abscond and hamper the trial. He may also threaten the prosecution witnesses and tamper with the evidence.



4. Heard both sides.
5. Following points that arise for my consideration:-
 1. Whether the accused deserves to be enlarged on bail?
 2. What order?
5. 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

6. **Point No.1:-** It is the case of prosecution that CW-1 has rented his house to one Azeed/CW-8 where deceased Sarfaraz Ansari, accused, CW-10/Arif, CW-11/Shantaram and one Chotu were staying with him for the past five months and assisting CW-8 in painting work. The said CW-8 had gone to his native at Uttar Pradesh for attending his personal work.
7. On 03.11.2025 at the house of CW-1 situated on D.V.G. road at about 9.00 p.m in the presence of said CW-10, CW-11 and Chotu an altercation took place between the



accused and the deceased Sarfaraz as he hurled abuses at the mother of accused during which the accused got enraged and assaulted Sarfaraz with a wooden seat and pushed him due to which the kitchen platform struck his head and he fell down. The accused stood over his chest and stamped him with his legs. Due to the incident the deceased sustained fatal injuries and succumbed to them.

8. After the incident the accused threw the wooden seat used to assault Sarfaraz into the trees near the house and absconded to his village at Uttar Pradesh. On 10.11.2025 the accused was apprehended from Kasuva village of Uttar Pradesh and at present he is detained in judicial custody.

9. The material on record discloses the overt act of the accused to have committed alleged offences. There are reasonable grounds attributable to the accused in having committed the alleged offences. There are eye witnesses who have witnessed the incident.



10. Though bail is a rule and jail is an exception and also that the personal liberty of an individual holds paramount importance while considering the bail, nevertheless, it is also to be borne that the gravity and seriousness of the alleged offences and the societal impact also bear equal prominence while considering the bail.

11. Though the investigation is concluded, the nature and gravity of the alleged offences committed by accused does not warrant him to be released on bail as the accused may influence/intimidate the material prosecution witnesses or tamper with the evidence and may abscond from the clutches of law and hamper fair trial. Thus, none of the grounds urged by the accused for his release on bail appear to be tenable. Accordingly, I answer Point No.1 in the Negative.

12. **Point No.2:-** For the reasons indicated above, I proceed to pass the following;

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ORDER

The bail application is hereby **DISMISSED.**

I/c Prl. District and Sessions Judge,
Chikkamagaluru.