

KACM010001952025



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

Dated this the 30th day of July, 2025

PRESENT

Sri. Manjunatha, B.A., LL.B,
II Addl. District & Sessions Judge
Chikkamagaluru

S.C.No.15/2025

Complainant : The State by Rural Police,
Chikkamagaluru.

(Represented by Public
Prosecutor, Chikkamagalur)

-VS-

Accused : Eresha @ Eraiah G.
S/o Gangayya,
Aged about 52 years,
R/at: NMDC Village,
Inidranagara, Kaimara Post,
Chikkamagaluru Taluk,
Chikkamagaluru.

(Represented by Sri.N.D., (LADCS)
Advocate)

ORDER

The accused has filed this application under section 483 of
B.N.S.S., 2023, for enlarging him on bail in the above case

registered against him for the offences punishable under sections 103 of BNS., 2023.

2. By denying the allegations made against him, it is contended by the accused that he has not committed any of the offences alleged against him and he is innocent of the same. He hails from the respectable family and having deep roots in the society and as such there is no chance of abscondance if he is let on bail. The accused is the only bread earner in his family and having age old mother and they are dependent on the income of the accused. It is further contended by the accused that the complainant police have submitted charge sheet by completing investigation and as such, his presence is not required for further investigation. The accused is ready to abide by the terms and conditions that may be imposed by this court and also ready to furnish surety for release him on bail in the above case to the satisfaction of the court. Therefore, the accused sought for allowing the application.

4. The learned Public Prosecutor has resisted the above application by filing statement of objections. By reproducing the allegations made in the charge sheet, it is contended by the prosecution that after completing investigation, the respondent police have submitted charge sheet against the accused for

committing murder and the materials placed on record prima-facie discloses the involvement of this accused in the crime in question. The trial is yet to be completed and if at this stage, this accused is released on bail, he may flee from justice and thereby he would hamper the trial and he may also threaten and intimidate the prosecution witnesses. Further having regard to the nature and gravity of offence alleged against this accused, the Public Prosecutor sought for rejecting the application.

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

POINTS

1. Whether the accused has made out any ground to enlarge him on bail in the above case?
 2. What order?
7. My findings on the above points are as follows:

Point No.1: In negative,

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

REASONS

8. **Point No.1** : It is seen from the record that, on 09.10.2024 at about 9 p.m., at Indiranagara, N.M.D.C., Kaimara Post, Kasaba Hobli, Chikkamagaluru Taluk, within the jurisdiction of Chikkamagaluru Rural Police Station, the deceased Lalitha who is the wife of the accused abused the accused that he is not bringing

money to home and not taking responsibility of the family, for that accused being enraged by her words, on the premise that if Lalitha is alive, she will abuse him every day and he will not live in peace and as such, decided to murder her, dragged Lalitha into the hall and dashed her head against the wall, then hit her with a plastic chair and also assaulted her with club on her right eyebrow and also near her right ear causing bleeding injuries, thereafter, the deceased Lalitha died due to injuries sustained by her. Accordingly, the complainant has given complaint against the accused to take suitable action against him. With these allegations, the complainant police submitted charge sheet against the accused for the offences punishable under section 103 of BNS., 2023.

9. Though, the accused has contended that he has been falsely implicated in crime in question and he is innocent and he is not involved in any of the criminal cases so far and even he is respected in the locality, the materials placed on record and the nature of evidence relied by the prosecution make out a prima facie case and reasonable grounds to believe that the accused had committed the alleged offences, and as such, he has not made out any ground to substantiate his contention. The trial is yet to be commenced. Further in the cases of this nature, there is no

possibility of the victim implicating someone else by leaving the real culprit. Hence, the contention of false implication urged by the accused cannot be accepted at this stage to release the accused on bail. Further no reason is forthcoming at this stage to disbelieve the allegations leveled against this accused.

10. The learned counsel for accused has vehemently argued that after completing investigation, charge sheet has been laid against this accused and therefore his presence is no more required for further investigation and there is no hope of trial getting completed in the near future. Per contra, as noted above, the learned Public Prosecutor has contended that the trial is yet to be completed and if he is let on bail, he may flee from justice and hamper the trial.

11. In this context, it is relevant to note the decision of **Hon'ble Supreme Court** in the case of **Virupakshappa Gowda and another vs State of Karnataka and another** reported in (2017) 5 SCC 406, wherein it has been held at para 12 that:-

“On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum them when a charge sheet is filed it amounts to changed circumstance. Needless to say, filing of the charge sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge sheet establishes that after due investigation, the investigating agency having found materials, has placed the charge sheet for trial of the accused persons...”

12. In view of the proposition held in the above case, it is to be noted that filing of charge sheet does not in any manner lessen the allegations made by the prosecution and on the other hand, it strengthens its accusation. Hence, the contention urged by accused that he is entitled to be released on bail since charge sheet has been submitted by the investigating agency, is not acceptable.

13. The trial is yet to be completed and if at this stage, the accused is released on bail, it would be difficult to secure his presence. Hence this court finds substance in the contention urged by the prosecution. In the fact situation, in view of the above discussion, this court is of the opinion that a prima facie case has been made out by the prosecution regarding the involvement of this accused in the crime in question.

14. Thus, by taking into consideration the facts and circumstances of the case, nature and gravity of accusation made against this accused and its impact on society and the possibility of this accused fleeing from justice if enlarged on bail, without expressing anything on merits or demerits of the case, this court is of the opinion that this is not a fit case to exercise discretion to enlarge the accused on bail and accordingly, I answer Point No.1 in negative.

15. **Point No.2:** In view of answer of this court on point No.1, this court pass the following:-

ORDER

The application filed by the accused under section 483 of BNSS., 2023, is hereby dismissed.

(Dictated to Stenographer Grade-III directly on computer, script corrected and then signed by me on this the 30th day of July, 2025)

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