



**IN THE COURT OF I ADDITIONAL DISTRICT &  
SESSIONS JUDGE AT CHIKKAMAGALURU**

**Dated this the 11<sup>th</sup> day of November, 2025**

**:PRESENT:**

**Smt. Bhanumathi B.C., B.A.L., LL.B.,**  
I Addl. District and Sessions Judge,  
Chikkamagaluru

**S.C.No.75/2023**

Complainant : State by Balehonnur police

(Represented by Public  
Prosecutor, Chikkamagaluru)

-VS-

Accused : Krishna Poojari,  
S/o Bhoja Poojari,  
Aged about 47 years,  
R/at Kuppalli,  
Niluvagilu village,  
Koppa Taluk,  
Chikkamagaluru District.

(Represented by Sri HMS, Adv)

**ORDER**

The accused has filed this application under section 483 of BNSS for enlarging him on bail in the above case registered against him for the offences punishable under sections 302, 504 and 506 of IPC.

2. By reproducing and denying the allegations made in the charge sheet, it is contended by the accused that he is innocent and not committed the offences alleged



against him, but he has been falsely implicated in the crime in question. There is no prima facie material to show that he has committed the offences alleged against him. By completing investigation, charge sheet had been laid to the court and as such his presence is not required for further investigation. That the prosecution has examined CW.1, 2, 5 and 7 as PW.1 to PW.4 and more than 18 witnesses are yet to be examined and as such the conclusion of the trial takes long time. That the bail application filed by him on 24.11.2023 was dismissed by this court on 04.01.2024 and hence the present application is filed on the ground of changed circumstances. That he is permanently residing at the address shown in the charge sheet having deep roots in the society and as such there is no chance of his abscondance if let on bail. The accused is ready to abide by the terms and conditions that may be imposed by this court and to furnish surety for releasing him on bail to the satisfaction of the court. Inter-alia on these grounds, the accused sought for allowing the application.

3. 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 this accused and the material placed on record prima-facie discloses the involvement of this accused in the crime in question. The trial is not yet completed and if at this stage, this accused is released on bail, he may threaten and intimidate the prosecution witnesses as he is economically and politically powerful. He may also flee from justice and thereby he would hamper the trial and further having regard to the nature and gravity of



the offence alleged against this accused, the Public Prosecutor has sought for rejecting the application.

4. The presence of PW.1, the wife of deceased Ravi has been secured to hear regarding this application and she opposed granting bail to the accused.

5. Heard arguments of both side and perused 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. The answers to the above points are as follows:

**Point No.1 : In negative.**

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

### **REASONS**

(Note:- It is made clear that the observations made by this court in the course of this order is only in respect of considering the bail application and the same has no bearing on the merits of the case.)

8. **Point No.1** : I have carefully perused the entire material placed on record. This court is conscious of the fact that the court cannot and is not supposed to sift the evidence made available by the prosecution at the time of deciding the bail application. However, only for the purpose of deciding whether the accused is entitled for bail or not, I proceed to discuss the facts alleged by the prosecution and whatever I say while



disposing this bail application cannot be construed as an expression of opinion on the merits of the main case.

9. It is seen from the record on 10.03.2023, the complainant police registered case in crime No.30/2023 against this accused for the offences punishable under sections 504, 324 and 307 of IPC on the basis of the complaint lodged by CW.1-Jaya, the wife of the deceased Ravi. The accused herein was arrested and produced before the court on 10.03.2023 and since then he is in judicial custody. After completing investigation, the complainant police have submitted charge sheet against accused for the offences punishable under sections 504, 506 and 302 of IPC.

10. In brief, case of the prosecution is that the accused, who is the brother of CW.1-Jaya went to her house situated at Seeke, Muduguni village, N.R.Pura taluk one week prior to 10.03.2023 and as he was not doing any work, CW.1's husband deceased Ravi quarreled with him and insisted him to leave their house. On 09.03.2023, the accused told Ravi that he would leave the house on the next day. Then the accused issued threat to CW.1 by saying that if her husband i.e., Ravi insists him to leave the house, he would end his life. On 10.03.2023 in the afternoon, when Ravi came to the house after finishing his work, on seeing the accused, he abused him as he had not left the house. Being enraged by the same, on the same day at about 4.15 p.m, when Ravi was doing work in his garden in front of his house near Kallugudde beside Balehonnur-N.R.Pura road and was abusing the accused, the accused with an intention to end his life, brought an iron hoe (ಝಡ್ಡಲಿ)



from the shed, abused Ravi in filthy language and assaulted him with said hoe near his neck and caused grievous injury. Then CW.1 took Ravi to Balehonnur hospital and later to Wenlock hospital, Mangaluru for treatment, but Ravi breathed his last at Wenlock hospital, Mangaluru on the same day i.e., on 10.03.2023 at about 9.14 p.m.

11. The learned counsel for the accused has vehemently argued that the accused is innocent of the alleged offence, but he has been falsely implicated even though there is no reasonable ground to show his involvement in the crime in question and as of now the prosecution has examined 04 witnesses and 18 more witnesses are yet to be examined and it may take long time and as such the accused is entitled to be released on bail.

12. In the case on hand, the accused is alleged to have committed murder of his sister's husband Ravi by inflicting multiple injuries with a hoe on his vital parts. There is no dispute with regard to the relationship of accused with the deceased. Further as per the autopsy report made available on record, as many as nine external injuries were noted on his dead body and it is opined that the death was due to hemorrhage secondary to cumulative effects of multiple injuries sustained to neck and face as a result of sharp force trauma. It is contended by the prosecution that the clothes worn by the accused at the time of the incident were seized at his instance and as per the FSL report made available on record, the same were stained with blood of human origin. It is further contended by the learned public prosecutor that the accused is none other than the brother of CW.1, who is the wife of the deceased and she had no



reason to implicate the accused for the death of her husband by leaving his real culprits. Having regard to these aspects, it is difficult to accept the contention of the learned counsel for the accused that there is no prima facie material to show the involvement of the accused in the crime in question. Though the accused has contended that he has been falsely implicated in the crime in question, he has not shown any reason to substantiate the same.

13. Having regard to the facts and circumstances of the case and the evidence relied by the prosecution to connect the accused with the crime in question, this court is of the humble opinion that the material placed on record sufficiently makes out a prima facie case regarding the allegations made against the accused and there is no reason to doubt the case of prosecution at this stage.

14. It is seen from the record that as of now, the prosecution has examined 04 witnesses as PW.1 to PW.4 and the trial is yet to be completed. Hence, the contention urged by the learned counsel for accused that the accused is entitled to be enlarged on bail as charge sheet has already been submitted and his presence is no more required for investigation is not sustainable. Moreover, it has been held by the Hon'ble Supreme Court 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. Further in the light of above discussion, it is difficult to accept the contention urged by the learned counsel for accused that no reasonable ground exists to establish the involvement of the accused in the crime in question.



15. Further it is seen that the matter is at the fag end of the trial and there is likelihood of matter getting disposed of at the earliest. Hence, if at this stage the accused is enlarged on bail, the possibility of he fleeing from justice cannot be ruled out.

16. Further it is seen from the record that the bail application filed by the accused after the submission of the charge sheet was rejected by this court on merits and the accused has not made out any changed circumstance to consider the successive bail application. Further it is settled position of law that the court cannot and is not supposed to sift the evidence made available by the prosecution at the time of deciding the bail application and at this stage, the court is only required to see whether a prima facie case with an element of genuineness is made out by the prosecution or not against this accused. In the fact situation, in view of the above discussion, this court is of the humble opinion that a prima facie case has been made out by the prosecution regarding the involvement of this accused in the crime in question.

17. 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 he influencing or intimidating the material witnesses, 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 at this stage and accordingly, I answer Point No.1 in negative.



18. **Point No.2:** In the light of above discussion, I proceed to pass the following:

**ORDER**

The application filed under section 483 of BNSS by the accused is hereby rejected.

(Dictated to Stenographer Grade-III directly on computer, script corrected and then signed by me on this the 11<sup>th</sup> day of November 2025).

Sd/-

**(BHANUMATHI.B.C)**

I Addl. District & Sessions Judge,  
Chikkamagaluru