

KACM010022422025



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

Dated this the 21st day of November, 2025

:PRESENT:

SRI. PRAKASH.V., B.A(L), LL.B.
C/c II Addl., District and Sessions Judge,
Chikkamagaluru.

S.C.No.130/2025

COMPLAINANT : State by Kadur Police
Chikkamagaluru District.

(Rep. by Public Prosecutor)

-V/s-

- ACCUSED:**
1. Pradeepa J.M. @ Pradeepa Achar
S/o Late. Mallesha Achar,
Aged about 33 years,
R/at: Raghavendra Mutt Colony,
Kote, Kadur Town, Kadur.
 2. Siddesh S/o Nanundappa,
Aged about 36 years,
R/at: Sunnada Goodu, Kote,
Kadur Town,
Chikkamagaluru.
 3. Vishwas P.M. @ Vishwa
S/o Manjunatha,
Aged about 19 years,

Opposite to Forest office, K.M.Road,
Kadur Taluk,
Chikkamagaluru.
Permanent R/at: Doddapattanagere
Village, Kadur Taluk, Chikkamagaluru.

4. Meenakshamma W/o Subramanya,
Aged about 56 years,
R/at: Plaginamma temple road,
Kadur Town,
Chikkamagaluru.

(Rep. by P.E.S., Advocate)

ORDER

The Accused No.1 to 4 have filed this application under section 483 of BNSS., 2023 for enlarging them on bail in the above case registered against them and others for the offences punishable under sections 49, 61, 103(1), 238 r-w 3(5) of BNS., 2023.

2. In the application accused No.1 to 4 have stated that, they are innocent and they have not committed any offences as alleged, but a false case has been registered against them. Accused No.4 is a woman and as per the charge sheet and material placed by the IO, there is no connective material is found

against her and other accused. The investigation is already over and the IO has submitted charge sheet, hence the accused persons are not required for any custodial interrogation. The trial proceedings will be held for long time and if the accused persons are continued in judicial custody, the real criminals and culprits will reflect the mind of the accused persons and very difficult to take proper defence while in the trial. He further undertakes to abide by the terms and conditions that may be imposed by the court for granting bail to them. Hence, sought for bail.

3. The learned Public Prosecutor has filed detailed objection 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, these accused No.1 to 4 are released on bail, they may further flee from

justice by remaining absent from the proceedings and hamper the trial, may involve in similar offences and they may threaten and intimidate the prosecution witnesses. Thus, sought for rejection of petition.

4. Heard the arguments and perused the records and the following points arise for my consideration;

P O I N T S

1. Whether the accused No.1 to 4 have made out a ground to enlarge them on bail in the above case?
 2. What Order?
5. My answers to the above points are ;

Point No.1: In the Negative.

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

R E A S O N S

6. **POINT No.1 :** The brief facts of the prosecution case as per the complaint is that, the accused No.4,

who is the resident of Plaginamma street, Kadur Town within the jurisdiction of Kadur Police Station was having illicit relationship with accused No.1, thereafter, during the year 2024, as the house belonging to accused No.4 was deteriorated, her husband Subramanya @ Subbanna along with CW.3 to 6 have given contract to accused No.1 to construct new house and had also paid Rs.5,26,000/- to the accused No.1, when such being the case, in November 2024, husband of accused No.4 saw accused No.1 having physical intimacy with accused No.4 in his house, as such, he has assaulted her and threatened her, but accused No.4 continued to talk with accused No.1, when she was visiting Kadur Post Office, there accused No.4 told accused No.1 that she will call to the mobile of accused No.1's mother and also gave instigation to accused No.1 to kill her husband, as he is becoming hurdle to their relationship, accordingly on 23.05.2025, accused No.4 called accused No.1's mother's mobile and told

him that her husband is coming towards him and he should kill him without knowing to anyone, for that accused No.1 hatched criminal conspiracy and told her that, in the guise of taking her husband to meet Town Planning Officer at Chikkamagalur, he will going to kill him on the way back, then, she should give missing complaint to the Police, so that no one will get suspicion.

7. Further it is the case of the prosecution that, in furtherance of their criminal conspiracy, on 31.05.2025, accused No.1 to 3 took the Omni car bearing registration No.KA-18/P-3929, purchased petrol and firewood in order to burn the dead body and kept the same near the bushes at Karlugundi, Kadur-Chikkamagalur Highway, thereafter accused No.1 came to the tailoring shop of Subramanya situated at Old railway station, Kadur, introduced accused No.3 to him and told that he will take him to Zilla Panchayath, Chikkamagaluru, from there he will take him to Town Plan officer and also told him to

keep the mobile phone at his shop, thereafter accused No.1 and 2 took one rope and proceeded towards Chikkamagalur from Kadur in their Omni car, stopped their car at Zilla Panchayath office bus stop, Chikkamgaluru, where Subramanya and accused No.3 were standing and told the said Subramanya to stay there until he talks with Officer, then took liquor at Ashwamedha Wine shop, after returning to Zilla Panchayath Bus stop, the accused No.1 and 2 took Subramanya in their car by telling him that the Town Planning Officer was out of station, will meet him tomorrow and by saying so, accused No.1 to 3 took him in their car towards N.H.173 Kadur- Chikkamagaluru in front of Bukkasagara Dakhale Government forest, stopped their car, consumed alcohol, at about 8.45 p.m., accused No.1 by giving some papers to the husband of accused No.4 to sign the same in order to divert his attention to somewhere, then the accused No.1 tied with rope on the neck of Subramanya, accused

No.2 and 3 pulled the two ends of rope forcibly, accused No.3 held the legs of Subramanya steadily, suffocated him and caused the death of Subramanya. Further the accused No.1 to 3 in order to destroy the evidence, has taken the dead body of Subramanya to Karlugundi, where they had kept petrol and firewood and put wood on the dead body, poured petrol on it and set fire. Accordingly, case has been registered against accused persons.

8. After investigation, charge sheet has been submitted against the accused Nos.1 to 4 for the offences punishable under sections 49, 61, 103(1), 238 r-w 3(5) of BNS., 2023.
9. At the very outset, Smt.Bhavana, the learned Public Prosecutor appearing on behalf of the State has argued that the accused Persons are involved in serious offence and prima facie case is made out against them and in order to substantiate her contention, has produced photographs of the

deceased, post mortem report, photographs of spot and seizure mahazars and other documents pertaining to the case.

10. Per contra Shri.P.E.S, the learned counsel for the accused persons argued that the accused persons are innocent of the alleged offences and as the investigation is already completed, charge sheet has been filed, there is no need of these accused persons for further investigation. In order to substantiate their case, has produced DNA and medical journal extract, copy of post-mortem report, FSL reports, statements of accused No.4 and other witnesses and also produced judgments which are as follows:

1. CrI.P. No. 1387 of 2012 between Hansraj V/s State of Chattisgarh
2. Vihaan Kumar V/s State of Haryana and another
3. 2025 SAR (Cri) 1094 between Neelam Kumari V/s The State of Himachal Pradesh

11. With the rival contentions urged by the both sides, it is just and necessary to go through the materials available on record. Before going into the discussion on the other aspect of the matter, it is just and proper to go through the principles to be borne in mind while considering an application for bail. It is well settled that matters to be considered in an application for bail are:

- (ii) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (iii) nature and gravity of the charge;
- (iv) severity of the punishment in the event of conviction;
- (v) danger of the accused absconding or fleeing, if released on bail;
- (vi) character, behaviour, means, position and standing of the accused;
- (vii) likelihood of the offence being repeated;
- (viii) reasonable apprehension of the witnesses being tampered with; and,

(ix) Danger, of course, of justice being thwarted by grant of bail.

12. By keeping in mind the above principles, the instant application filed by the accused persons are to be considered. On perusal of the charge sheet and its contents, it is clearly discloses that, these accused persons said to have hatched criminal conspiracy to kill the husband of accused No.4 Subramanya, so as to clear the hurdles in respect of illicit relationship between accused No.1 and 4. Accordingly, the accused No.1 to 3 took Subramanya in their car, strangled his neck with a rope, caused suffocation resulting in death of the said Subramanya. There is a prima facie material before this Court to believe that the accused persons are involved in the commission of offence.
13. The learned counsel for the accused persons drawn the attention of this court towards the Post-mortem report and argued that the concerned medical officer given his opinion with regard to cause of death on the

basis of charred dead body which cannot be accepted. It is well established principles of law that while considering the application for seeking bail, the merits of the case cannot be discussed. Hence, the arguments canvassed by the learned counsel for the accused cannot be considered at this stage of application seeking bail. Further, the ratio laid down in the judgments cited by the learned counsel for the accused persons i.e., the judgment of Hon'ble Supreme Court in CrI.A. No.1387/2012 and 2025 SAR (Cri) 1094 cannot be made applicable to the present case on hand at this stage of the proceedings, as those principles were laid down by the Hon'ble Supreme Court while considering the appeal filed by the parties challenging the conviction.

14. The learned counsel for the accused has drawn the attention of this court towards the principles laid down in the judgment of Hon'ble Supreme Court in 2025(2) KCCR SN 52 SC between Vihaan Kumar V/s The State

of Haryana and another dated:07.02.2025 and argued that the Investigating Officer has not served the grounds of arrest against the accused persons prior to their arrest. The contention taken up by the learned counsel cannot be considered for a simple reason that, on 06.06.2025 the Investigating Officer had served the grounds of arrest on accused No.1 and arrest intimation was served on his uncle Shri.Jagadish Achar. The grounds of arrest on accused No.2 and 3 was also served on 06.06.2025 and arrest intimation was served on the father of accused No.3 and friend of accused No.2. Likewise, on 07.08.2025, grounds of arrest was served on accused No.4 and arrest intimation was sent to her son-in-law by name Prashanth on the same day. Hence, the accused No.1 to 4 cannot be allowed to say that the ground of arrest was not served on them.

15. It is pertinent to note that, the present accused No.1 to 3 have filed similar application before this Court in

earlier occasion in Crl.Mis.No.285/2025 and said applications were dismissed by this court and order passed by the Court remains unchallenged. Further, no changed circumstances has been made out by the accused persons, so as to consider the instant application.

16. It is pertinent to note that, the punishment for alleged offence under section 103(1) is punishable with death or imprisonment for life and fine, section 238 of BNS., is also punishable with imprisonment for 7 years and fine and section 61 of BNS., is also punishable with death, imprisonment for life or rigorous imprisonment for a term of 2 years or upwards. If the accused persons are released, their presence cannot be secured for the trial as they may abscond, tamper the prosecution witnesses and also may pose life threats to the complainant and witnesses, may commit similar offences.

17. Under these circumstances, looking into the gravity and heinousness of the offence, at this stage it may not be appropriate to release them on bail. If the accused persons are released, their presence cannot be secured for the trial as they may abscond. The apprehension of prosecution are well founded. Hence, I have no hurdles to hold that no exceptional grounds are made out for grant of bail. Accordingly, I answered the Point No.1 is in 'Negative'.
18. **Point No.2**:- In view of my findings on Point No.1, I proceed to pass the following;

ORDER

The application filed by the accused No.1 to 4 under Section 483 of BNSS., 2023 is hereby dismissed.

(Typed my dictation directly on computer by the Stenographer Grade-III, corrected, signed and then pronounced in open court on this the 21st day of November, 2025).

Sd/-
(PRAKASH.V)
C/c II Addl., District and Sessions
Judge, Chikkamagaluru.