

KACM010026792025



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

Dated this the 19th day of February, 2026

:PRESENT:

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

S.C.No.148/2025

COMPLAINANT : 1. State by Ajjampura Police
Chikkamagaluru District.

(Rep. by Public Prosecutor)

2. Smt.Veena W/o Ramachandrappa,
Aged about 49 years,
R/o: Dollars Colony,
Davanagere.

-V/s-

ACCUSED:

2. Anjaneya S.S. @ Swamy
S/o Sathisappa,
Aged about 30 years,
R/at: Shivani Village,
Ajjampura Taluk,
Chikkamagalur, Karnataka.

(Rep. by B.M.S.K., Advocate)

ORDER

The Accused No.2 has filed this application under section 483 of BNSS., 2023 for enlarging him on bail in the above case registered against him for the offences punishable under sections 305, 103(1), 238 r-w 3(5) of BNS., 2023.

2. In the application accused No.2 has stated that, he is innocent and he has not committed any offences as alleged, but a false case has been registered against him. It is submitted that the accused is a HIV patient and he needs continuous treatment and if he is continued in judicial custody, it will badly effect his health condition. The accused hails from respectable family and he is deep rooted in the Society, as such, there is no possibility of his absconding if he is released on bail. Further the accused is having land and building and also having family members to look after. It is further submitted that there is no prima facie materials to prove the charges leveled against the accused. The accused 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 No.2 in the crime in question and if at this stage, this accused No.2 is released on bail, he may further flee from justice by remaining absent from the proceedings and hamper the trial, may involve in similar offences and he may threaten and intimidate the prosecution witnesses. Thus, sought for rejection of petition.
4. The complainant appeared before the Court and submitted that she will avail the services of Public Prosecutor.

5. 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.2 has made out a ground to enlarge him on bail in the above case?
2. What Order?

6. 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

7. **POINT No.1 :** The brief facts of the prosecution case is that, the accused No.1 is the daughter-in-law of the deceased Deviramma and the accused No.1 is having illicit relationship with the accused No.2 since 1 year, when the accused No.2 is in need of money, the accused No.1 used to commit theft of gold ornaments gradually from the almerah of her mother-in-law Deviramma by using duplicate key

and used to give the same to accused No.2. During the month of February 2025, the accused No.1 had given totally 45.70 gms of gold ornaments to the accused No.2, the accused No.2 in turn had pledged the same on 15.02.2025 in his name at I.C.I.C.I. Bank, Hosadurga and on 11.06.2025, he had taken the said gold ornaments and given the same to CW.24-Shekharappa to keep it in his house. Later on 30.05.2025, one chain weighing about 45.8 gms., and golden chain with locket weighing 10 gms., which was pledged in the name of CW.24 at Union Bank, Shivani and on 11.06.2025, 32 gms of gold bangles which was pledged in the name of Harish, a friend of accused No.2, has been seized from CW.38. On 26.06.2025, the gold ornaments weighing about 218.8 gms worth Rs.20,34,840/- and also cash, which has been received by the accused No.2 from accused No.1 who by committing theft from her house had given to accused No.1, and the accused No.2 utilized the same for his personal use and

bought T.T. vehicle bearing registration No.KA-05-AF-4902 and Pulsor Bike bearing registration No.KA-66-Q-2317 and on the guise that the said matter will come to the knowledge of the deceased Deviramma, accused No.2 with common intention of murdering the deceased Deviramma, taken 20 Diazepam IP 5 mgs., sleeping tablets from CW.26-Anilkumar and CW.27-Ananth Nag has bought 05 Anxit 0.5 mg sleeping tablets from Channabasaveshwara Medicals belonging to CW.40-Punithkumar and given the same to accused No.1 and the accused No.1 before 10.08.2025 itself, had given the said tablets to the deceased Devdiramma by mixing with the night meals and when the accused No.1 informed the accused No.2 that, as she had given daily one tablet, nothing happened to Deviramma, as such, the accused No.2 had told her to give all the tablets together, accordingly, on 10.08.2025, the accused No.1 had given 10 tablets of Diazepam tablets IP 5mg mixed with the food to her mother-in-law

Deviramma, after half an hour, the deceased started vomiting, but the accused No.1 has not taken her to hospital, on 11.08.2025, in the morning the accused No.1 called accused No.2 and both of them by wandering around and spending time at Bukambudi, Ubrani, took her to Ajjampura hospital lately, even though CW.1 had called them to take her mother to S.S.hospital, Davanagere, immediately, but the accused No.1 and 2 took the deceased belatedly at about 1.30 p.m., to S.S.Hospital, Davanagere, where the Doctor declared about the death of the deceased Deviramma. Thereafter the accused No.1 and 2 on 12.08.2025, cremated the dead body of deceased Deviramma in the presence of Villagers and relatives without there being any suspicion and with an intention to causing disappearance of evidence, washed the bed sheets containing the vomit of the deceased. Accordingly, the complainant gave complaint to the jurisdictional police. Based on the

said complaint, case was registered against the accused persons.

8. After investigation, charge sheet has been submitted against the accused Nos.1 and 2 for the offences punishable under sections 305, 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 No.2 is involved in serious offence and prima facie case is made out against him.
10. Per contra Shri.B.M.S.K., the learned counsel for the accused No.2 argued that the accused is innocent of the alleged offences and as the accused is a HIV patient, he needs continuous treatment. In order to substantiate their case, had produced the patient booklet of accused No.2.
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 No.2 is to be

considered. On perusal of the charge sheet and its contents, it is clearly discloses that, this accused No.2 said to had illicit relationship with the accused No.1 and the accused No.1, by committing theft of gold ornaments and cash from the almerah of her mother-in-law Deviramma, said to had given the same to accused No.2, when he was in need of money, in turn the accused No.2 utilized the same for his personal use and bought vehicles and on the pretext that the said matter would come to the knowledge of deceased Deviramma, hatched plan to commit murder of said Deviramma, accordingly bought sleeping tablets and given the same to accused No.1 to mix it with her food, as such, the accused No.1 mixed the said tablets and given the same to the deceased to consume and when the deceased by consuming the food mixed with sleeping tablets started vomiting, the accused No.1 and 2 delayed to take her to hospital, but lately had taken Deviramma to the hospital, where the Doctor had declared about her death. As such, there is a

prima facie material before this Court to believe that the accused No.2 is involved in the commission of offence.

13. 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 No.2 cannot be considered at this stage of application seeking bail.
14. 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 and section 305 of BNS., 2023 is also punishable with imprisonment for 7 years and fine, non-bailable in nature. If the accused No.2 is released, his presence cannot be secured for the trial as he may abscond, tamper the prosecution witnesses and also may pose life threats to the complainant and witnesses, may commit similar offences.

15. Under these circumstances, looking into the gravity and heinousness of the offence, at this stage it may not be appropriate to release him on bail. If the accused No.2 is released, his presence cannot be secured for the trial as he may abscond. The apprehension of prosecution are well founded. Further the contention of the learned counsel that the accused No.2 is a HIV patient and he needs continuous treatment can be looked into, by issuing necessary direction to the jail authorities to provide necessary medical treatment at his wish. 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 in 'Negative'.
16. **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.2 under Section 483

of BNSS., 2023 is hereby dismissed.

Issue intimation to jail authorities to provide necessary medical treatment to the accused No.2, whenever he requested.

(Typed my dictation directly on computer by the Stenographer Grade-III, corrected, signed and then pronounced in open court on this the 19th day of February, 2026).

Sd/-

(PRAKASH.V)

C/c II Addl., District and Sessions
Judge, Chikkamagaluru.