



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 6th day of July, 2026

PRESENT

Sri. RAVINDRA HEGDE, M.A., LL.M.,
Prl. District & Sessions Judge,
Chikkamagaluru

SESSIONS CASE No.110/2017

COMPLAINANT

State by Birur Police
(Represented by the Public
Prosecutor, Chikkamagaluru)

-Vs-

ACCUSED

A5 Sri. Ajaykumar @ Ajay
S/o. Sunil Singh
Aged about 21 years
Glass Bending Work
R/o. 3/1, 1st Cross,
Chokkasanda T. Dasarahalli
Nethaji Nagara, Bengaluru
Native of Ranchi Town,
Jharkhand State
(Represented by Sri. NHY., LADC,
Chikkamagaluru)

ORDER ON BAIL APPLICATION OF A5

This application under section 483 of BNSS., is filed by
accused No.5 seeking his release on regular bail in this case
registered for the offences punishable under sections 397,
120B and 149 of IPC.

2. In the bail application, it is stated that accused No.5 is innocent, he has not committed any of the alleged offences and he has been falsely implicated in this case. It is stated that complainant police have already filed charge sheet and he is not required for investigation. It is stated that he is a coolie by profession and that his mother is suffering from ill health requiring his care and attention. It is stated that he is ready to offer surety and abide by the conditions imposed by the Court and hence prayed to enlarge him on bail.

3. Learned Public Prosecutor has filed objections to the petition, narrating the averments of the charge sheet and contended that, there are prima facie material to show that this accused and others have committed the alleged offences. It is stated that, after completion of investigation, Investigating Officer has filed charge-sheet against the accused and the burden is on the accused to prove his innocence. It is stated that accused has not made out any specific grounds for his release on bail. The trial is still going on and at this stage, if he is released on bail, he may

flee away from justice, threaten the prosecution witnesses and destroy evidence. Hence, prayed to dismiss the petition.

4. Heard both sides. Perused the record.
5. Now, the points that arise for consideration are:
 - 1) Whether accused No.5 is to be granted regular bail?
 - 2) What order ?
6. My answer to the above points are :

Point No.1: In the negative

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

REASONS

7. **Point No.1:-** The prosecution case in brief is that on 30.08.2016, C.W.1 Sanavulla, who was standing at the Taxi Stand in front of K.S.R.T.C. Bus Stand, Mysore, was approached by the accused persons. It is stated that with a common object of committing dacoity, they hired his taxi for a sum of Rs.5,500/- to travel to Shivamogga. Accordingly, C.W.1 along with all the accused left Mysore at about 6.00 p.m. in a Zylo car bearing registration No. KA 41/A-4298. When they reached near Pundanahalli Cross, Birur, on N.H. 206 at about 11.00 p.m., accused No.2 asked C.W.1 to stop the vehicle on the pretext of feeling nausea. At that juncture,

all seven accused alighted from the vehicle, demanded the car key, and assaulted C.W.1. Accused No.1 attempted to stab C.W.1 with a knife on his hand and stomach. In an effort to ward off the assault, C.W.1 sustained injuries on his left thumb and palm. Accused No.1 again assaulted him with the knife on his stomach and middle finger of the left hand. Thereafter, accused snatched the car key and an amount of Rs.3,000/- from the shirt pocket of C.W.1, damaged his mobile phone by throwing it the road and fled away & thereby committed the aforesaid offences. On completion of investigation, the complainant police have filed the charge sheet against the accused persons for the aforesaid offences.

8. During the course of investigation, accused No.5 was arrested on 16.02.2017, produced before court and he was remanded to J.C. and subsequently he was enlarged on bail. After committal of the case, accused No.5 was enlarged on bail. Subsequently he remained absent, his presence was secured under NBW on 14.10.2019 and later on 5.2.2020 he was released on bail. Thereafter accused remained absent, his presence was secured under body warrant as it was reported that he was in J.C in some other case and later he

was released on bail in the main case and again remained absent in this case. In the interregnum, his personal appearance was exempted on several hearing dates pursuant to applications filed seeking exemption. On 6.9.2025, pursuant to coercive steps, this accused was produced under NBW, he was taken to custody and his bail application came to be rejected on 24.09.2025 mainly on the ground that the ill-health of his mother cannot be accepted, the offence pertains to the year 2016, the trial has not progressed substantially and is still pending at the stage of evidence primarily on account of non-cooperation of accused persons, including the present accused. Again on 17.4.2026 accused No.5 filed another application seeking bail and the said application was also rejected by this court vide considered order dt: 29.4.2026 holding that the bail application filed by accused No.5 with similar grounds was already rejected by this court and he has not made out any changed circumstance to consider the said application. Now, once again he has come up with the present application seeking bail and the same is opposed by the prosecution.

9. The learned counsel for accused No.5 argued that the investigation has already been completed and the

charge sheet has been filed and, therefore, custodial interrogation of the accused is no longer required. He further submitted that accused is a coolie by profession, his mother is suffering from ill health, requiring his presence, accused is ready and willing to abide by any conditions that may be imposed by this Court and hence prayed to enlarge him on regular bail. Per contra, learned P.P argued that there are prima facie materials against accused No.5 showing his involvement in the commission of the alleged offences. She submitted that accused has repeatedly violated the bail conditions and remained absent before the Court on several occasions, necessitating issuance of NBW and body warrants to secure his presence. She has specifically argued that present petition is a successive bail application and no changed circumstances have been made out for reconsideration of the earlier orders rejecting bail and hence prayed for rejection of the application.

10. On perusal of the record and on going through the rival submissions of the parties, the allegations against accused No.5 are grave in nature. The charge-sheet discloses a prima facie case that the accused, in furtherance of their common object, committed dacoity and caused

injuries to the victim by using a deadly weapon and thereby allegedly committed the offences punishable under sections 397, 120B and 149 of IPC . The record further discloses that accused No.5 has repeatedly misused the liberty granted to him by this Court. After his initial release on bail, he remained absent and his presence had to be secured by issuance of NBW. Even thereafter, he again remained absent and was produced under body warrant as he was found to be in judicial custody in another case. Despite being enlarged on bail on subsequent occasions, he once again failed to appear before the Court and had to be secured under NBW on 06.09.2025. Thus, the conduct of the accused clearly demonstrates that he has no regard for the process of law and repeatedly violated the conditions of bail.

11. Further, it is pertinent to note that the present petition is the third successive bail application in last one year. Earlier applications filed by the accused were rejected by this Court by considered orders dt: 24.09.2025 and 29.04.2026. The accused has not challenged the said orders before the appellate Court. In the present application also, he has simply stated that he is innocent, he has not committed any offences, a false case has been filed against

him, he is a coolie by profession and he has to look after his mother who is suffering from ill health, which is very vague and general in nature, no new facts or changed circumstances have been brought on record warranting reconsideration of the earlier orders. Absolutely there is nothing made out in the bail application which required consideration by this court. Though the learned counsel for accused No.5 produced the discharge summary dt: 23.6.2025 in support of ill health of mother of accused, the said document is one year old and the ill health of accused's mother had already been considered while rejecting the earlier bail application vide order dt:24.09.2025. It is well settled that successive bail applications are not maintainable in the absence of any substantial change in circumstances.

12. The records further indicate that the trial has not progressed substantially and is still at the stage of evidence, primarily due to the non-cooperation of the accused persons, including the present accused. Considering the past conduct of accused No.5 in absconding and remaining absent on several occasions, there is a reasonable apprehension that if he is enlarged on bail again, he may abscond, and may not be available for trial. Thus, considering the facts and

circumstances of the case, the gravity of the offences, the prima facie material available against the accused, his repeated violation of bail conditions, absence of any changed circumstances after rejection of his successive bail applications, the likelihood of his abscondence, that the incident is of the year 2016 and that the trial is in progress, accused No.5 is not entitled to the discretionary relief of bail. Accordingly, Point No.1 is answered in the negative.

13. **Point No.2**: For the discussions made on above point, the following order is passed:

ORDER

The bail application filed by accused No.5 under section 483 of BNSS., is hereby rejected.

(Typed to my dictation by Stenographer Grade-I directly on the computer, after corrections, signed and then pronounced by me in the open Court on this the 6th day of July, 2026).

Sd/-
(**RAVINDRA HEGDE**)
Prl. District & Sessions Judge,
Chikkamagaluru.

Rag/-