

KADG010004912026



Presented on : 06-02-2026
Registered on : 06-02-2026
Decided on : 27-03-2026
Duration : 0years, 0months, 21days.

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./149/2026

Petitioner/s :-

Chandrappa C.K.
S/o Late Karayappa, Aged about 68 years,
R/o Mayakonda Village,
Davanagere Taluk and District.

(By Sri. L.K., Advocate)

-VERSUS-

Respondent:-

State of Karnataka through PSI,
Mayakonda Police Station,
Mayakonda.

(By learned Public Prosecutor)

ORDER ON BAIL PETITION FILED U/S.483 OF BNSS.

1. This petition is filed by the petitioner under Sec.483 of BNSS seeking bail in Crime No.15/2026 registered by Respondent Police for the offences punishable under Sec.103(1) of BNS. The grounds for the bail stated by the petitioner are as follows : -

a) The petitioner is said to be innocent of the alleged offence. The complainant to have filed false case against the accused and to have been falsely implicated in the case. Petitioner is said to be the permanent resident of Mayakonda village of Davanagere taluk owning movable and immovable properties.

b) There are no prima facie materials as against the petitioner for the offence alleged. The petitioner belonged to respectable family and permanent resident and ready to abide by the condition of the court. The offence alleged are not punishable with death or life imprisonment. Hence, has sought for the grant of the bail.

2. The learned P.P has filed objection contending that, the offence registered has been under Section 103(1) of BNS and it is punishable with imprisonment for life. That the accused and deceased Neelappa to be

brothers and it is a fight regarding the division of property. Therefore, in case bail is granted, there is all likelihood of repeating fight with family members of the deceased and disturbing the peace of the village. The accused is said to be politically influential and financially powerful. The weapons that were used for commission of offence are yet to be recovered. The matter being under investigation, the report from FSL to be obtained in case, bail is granted, the accused there is all possibility of threatening the witnesses. The alleged offences are serious in nature and hence, sought for rejection of bail.

3. Heard learned counsel for the petitioner and learned P.P for the respondent. Perused the records.

4. On hearing the bail petition, the point that arise for my consideration is :-

“Whether the petitioner has made out grounds to enlarge him on regular bail in respect of Cr.No.15/2026 of Mayakonda Police Station?”

5. The aforesaid point is answered in the Negative, for the following :-

REASONS

6. As per FIR, the case in Crime No.15/2026 has been registered by Maykonda Police Station against the accused for the offence punishable under Section U/s.103(1) of BNS, on the complaint lodged by Rakesh S/o Neelappa, on 02.02.2026. The name of petitioner appears in the col. No.6 of FIR. During the course of investigation, the police have arrested the petitioner and he is in judicial custody and hence now he has come up with this petition seeking regular bail.

7. The gist of the complaint has been that :

There are six daughters and two sons to the grandparents of the complainant. The complainant's father and complainant's father's elder brother Chandrapa had got divided the agricultural land whereby each one had got 4 acres 2 guntas of land and accordingly khata was transferred. In the year 2012, complainant's grand father Kariyappa had purchased Sy.No.11/4 the property measuring 2 acres 6 guntas situated at Hanumanahalli and had executed Will in favour of the complainant. Therefore, the elder brother of the father of complainant had quarreled and in this regard in the year 2019 civil suit was filed and it was decreed in favour of the complainant. Out of enmity due to Will executed in favour of the complainant, said Chandrapa caused obstruction

about the supply of electricity and attempting to destroy the crops grown in the Sy.N.1/01 and Sy.No.1/02 measuring 4 acres 2 guntas of Timlapura and thereby had made it impossible for cultivation. The complainant was not interested to quarrel and therefore he was silent. On 19.12.2021 at 10.00 a.m. in the morning complainant's uncle Chandrappa had cut and destroyed 100 arecanut trees that were planted in the said Sy.No.1/01 and 1/02 and in this regard a complaint was registered in Cr.No.99/2021 under Section 447 and 427 of IPC registered by the Maykonda Police. Since, the elders of the village had advised, the matter in the court was settled. In spite of that, complainant's uncle had demanded for share in the property and instituted civil suit which is pending before the court. The possession of the property by the complainant is being obstructed and also threatened the complainant and family fight is continued. Further, on 02.02.2026 at 12.00 p.m. in the afternoon father of the complainant Neelappa was grazing 4 cows in their land at the same time the complainant was doing some work in front of the house. The villagers A.K. Basavaraj, had come to him and informed that there has been fight with regard to land by the father of complainant and his brother and in order to the watering of the land. Immediately, the complainant had rushed to the land

and when searched could not find his father. Thereafter, he searched for his father in the hospital, clinic and other places and at 50.30 p.m. villagers and the priest of Hanuman Temple by name Lokesh had informed that the father of the complainant had fallen with blood injuries on several parts of his body near the land of Harish and that he was unable to speak. Immediately, the complainant along with the villagers Nagaraja, Prasanna went to the spot on the bike and found that complainant's father had lost conscious and there has been blood injury. Father was then taken to he Mayakonda Government hospital PHC and for further treatment in 108 ambulance he was brought to CG hospital, Davanagere and by 07.43 p.m. doctor informed that complainant's father has already passed away. Therefore, with the intention to dispossess the complainant and his father from the land, there has been murder of his father and hence sought to take action against the accused.

8. The petitioner along with petition have produced copy of the complaint, FIR, remand application, arrest warrant, arrest intimation, notice, grounds of arrest, arrest memo, check list, reason for arrest and medical records.

Learned PP along with objections has enclosed the Report of the I.O along with CD. and contended that at this stage, if the accused is granted bail, there is possibility of destroying the evidence and threatening the witnesses. Further, the accused could abscond, threaten the complainant and his family members and repeat similar offence, and hence sought not to grant bail to the accused.

9. In the course of hearing of the above bail application, the learned public prosecutor has enclosed the copy of the Crime Details Dairy along with CD and report of the police wherein it is submitted that there is all possibility of absconding of the accused and threatening of the complainant and his family members, the matter being pending for obtaining statements of witnesses and that the accused repeatedly quarrelling with regard to the property and disturbing the public peace of the village. The learned public prosecutor has also filed memo stating the number of the case to have been registered against the accused viz., in (1) Cr.No.99/2021 for the offences punishable under Sections 447, 427 of IPC, (2) Cr.No.81/2012 for the offence punishable under Section 3(1)(10) of SC/ST Act and under Sections 506, 504, 323 R/w Sec/34 of IPC, (3) Cr.No.84/2012 filed under Section 107 of Cr.P.C. and (4) Cr.No.115/2024 for the offence punishable under Section 15(A), 32(3) of K.E. Act registered by Mayakond Police.

Copies of said complaints have been enclosed. Further the learned PP has enclosed the CD with the Crime Details Report, the offence registered has been under Section 103(1) of the BNS 2023 that is pertaining to offence of murder being punishable up to death or life imprisonment. In the present case, the facts alleged has been that out of ill Will regarding property there has been civil case and it was decreed in favour of the complainant. What exactly is the truth of the allegations of the present case could be understood or concluded only after the completion of the trial of the case. CD and related aspects could be considered only at the appropriate stage in the case as the case is still at the crime stage. But the facts remains that number of complaints have also been filed against the very same accused. Counsel for the petitioner has on the other hand enclosed copy of the Commentary pertaining to the grant of bail. The grounds for bail in this case has been about not possible of absconding of the accused as the accused being aged 68 years without proper eye sight. In this regard to know the exact medical condition of the accused, on going medical treatment, etc or any such related documents are not placed before the court. Since the matter is still under investigation, at this stage, no grounds have been made out for grant of the bail. The alleged offence being serious in nature the accused is not eligible to be granted regular bail. Hence the above

point for consideration is answered in the Negative and proceed to pass the following :-

ORDER

The petition filed by petitioner / accused No.5 U/Sec.483 of BNSS is hereby dismissed.

(Dictated to Stenographer, computerized by her, transcript corrected, revised, signed and then pronounced by me in the open Court on this the 27th day of March, 2026.)

(Vela.D.K)
Prl. District & Sessions Judge,
Davanagere.