

KADG010024692025



Presented on : 06-08-2025

Registered on : 06-08-2025

Decided on : --

Duration :

**IN THE COURT OF**  
**II ADDL. DISTRICT & SESSIONS JUDGE**  
**AT: DAVANAGERE**

**PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.**  
**II ADDL., DISTRICT & SESSIONS JUDGE,**  
**DAVANAGERE.**

**DATED THIS THE 29TH DAY OF AUGUST, 2025**

**SPL.CASE NO. 346/2025**

**COMPLAINANT:-**

State by Vidyanagar Police,  
Davanagere,

**(By Public Prosecutor, Davanagere)**

**/Vs/**

**ACCUSED / :**

1. Suresh R. @ Suryaprakash, S/o Ramesh S., 38 years, Owner of Kadamba Kesari Press, R/o #64/1/2, Masiyambika Nilaya, Sriramanagara

Main Road, Davanagere, (A.No.12),

2. Shivappa A.K. @ Chikkanahalli, Shiva @ Kabaddi Shivu, S/o Manjappa Nalkunda, 35 years, Coolie work, R/o Behind APMC Market, 2<sup>nd</sup> Cross, Old Chikkanahalli, Davanagere, (A.No.13),
3. Vijayanaika K., @ Gadda Viji, S/o Krishnanaika, 31 years, Riyal Estate Business, R/o 9<sup>th</sup> Cross, Bharath Colony, Davanagere, (A.No.14),
4. Vinayaka @ Vinay, S/o Parameshnaika, 25 years, Vegetable business, R/o Honnuru Gollarahatti, Saraswati Extension, Daba Stop, 1<sup>st</sup> Main, 2<sup>nd</sup> Cross, Davanagere, (A.No.15),
5. Dhananjaya Rathod @ Dhanu, S/o Nagaraj Rathod, 35 years, Bouncer work, R/o Tolahunase Kelagina Hatti, Davanagere Taluk & District, (A.No.16),
6. Ravi @ Hadadi Ravi, S/o Thippanna, 45 years, Agriculturist, R/o Near Aanjaneya Temple, Hadadi Village, Davanagere Taluk & District, (A.No.17),
7. Raghavendra B. @ Kaddi Raghu @ O.C.Raghu, S/o Basavarajappa, 38 years, R/o Kotreshwara Extension, Behind Temple, 1<sup>st</sup> Cross, Davanagere, P.R/o Jayanagara 'C' Block, Near Kadamba Park, Near 1<sup>st</sup> Cross, Davanagere, (A.No.18),

8. Manjunatha M. @ Kaaradapudi Manju, S/o Maheshappa, 23 years, Vegetable business, R/o Halechikkanahalli, 4<sup>th</sup> Cross, 4<sup>th</sup> Main, Haralaiahnagara, Behind RMC, Davanagere, (A.No.19),
9. Santhoshkumar C., @ Itagi Santhu, S/o Chandrappa, 35 years, Riyal Estate Business, R/o #1383, 8<sup>th</sup> Cross, Bharath Colony, Davanagere, (A.No.20),

**: ORDER ON BAIL APPLICDATION FILED U/S.483 OF BNSS :**

This bail petition is filed by the petitioners /accused No.12 to 20 under Sec.483 of BNSS, with a prayer to release them on bail in connection with Crime No.103/2025 on the file of this court for the offences punishable U/s 61(2), 103(1), 189(2), 191(2), 191(3), 238(a) R/w.Sec.190 of BNSS, 2023, and Sec. 3(2)(V) & 3(2)(v-a) of SC/ST (POA) Act, 1989, as well as Sec.27(1) & 5 of Indian Arms Act, 1959.

**2.** The grounds for bail in the petition: As per the accused, they are innocent persons and they have no knowledge in respect of the alleged allegations against them. As per the accused, the case is lodged against them by on malafide intention and to illegal arrest them by the police and only to give harassment.

**3.** As per the accused are respectable persons and deep rooted in the society and law abiding citizens, they have not at all committed any offences as allegation made by the complainant. The allegations made by the complainant are made with an intention to harass the accused. The complainant has intentionally made some false

allegations in order to tarnish the image of the accused, they have not present at the time of incident. The accused No.12 to 14 are in judicial custody from 11.05.2025 and accused No.15 to 20 are in judicial custody from 12.05.2025 and their permanent resident is the above cause title address. They are having a family and they are having movable and immovable properties in their place. If the accused are not released on bail, their family would suffer very loss and injury. The accused have been falsely implicated in this case. There is no prima facie case is made out against the accused. If the accused are released on bail, they are ready to abide by all the conditions imposed by the court and are ready to offer surety to the satisfaction of the court. Hence, prayed to allow the petition.

**4.** Per contra, the learned PP filed objections to the bail petition contended that the non-bailable offence was lodged against the accused and there is a prima facie case is made out against them. In the objection it is contended that if the accused released on bail, there is a chances of interfering the investigation and tampering the prosecution evidences as well as threatening the prosecution witnesses. In the objection it is further contended that the accused are not made any sufficient grounds for the relief of anticipatory bail and prayed to reject the petition.

**5.** On perusal of the petition, objection, FIR and charge sheet, I framed following points for consideration: –

1. Whether the accused are entitled to the relief of bail under Sec. 483 of BNSS ?

2. What order ?

**6.** My answer to the above points are as follows ;-

Point No.1 : In the Negative,

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

### **R E A S O N S**

**Point No.1 :-**

**7.** **The brief facts of the case is that,** The complainant is a housewife. On 05.05.2025, at around 1:00 p.m., her husband finished lunch and left the house. Around 5:30 to 5:45 p.m., one of her relatives called her and informed her that at about 5:00 p.m., some unknown persons had attacked and murdered her husband using deadly weapons on Hadadi Road, in front of Someshwara Hospital. The complainant rushed to the spot and found her husband dead. It is alleged that the accused committed the murder with malicious intent. After learning that the accused was involved, the complainant lodged a complaint against them. Based on this, a case has been registered.

**8.** During the course of arguments, the learned counsel appearing on behalf of the accused persons contended that the accused are in no way connected with the alleged offence and that they have been falsely implicated by the police. It was further argued that at the stage of crime, the accused had moved for bail, but the same was rejected on the ground that the charge sheet had not been filed. The counsel submitted that now the charge sheet has been filed, yet there are no prima facie materials collected by the investigating agency to show that

the present accused are directly connected with the alleged crime or that they conspired with the main accused. The counsel further submitted that, in order to prove conspiracy, there must be cogent material, whereas in the present case, there is a complete lack of such evidence in the charge sheet. On such weak material, it is not possible for the Court to conclude that the accused conspired with others to eliminate the deceased.

**9.** It was further contended that merely because some criminal cases were registered earlier against these accused, the same cannot be a ground to reject the present bail petition. It is not the registration of cases but conviction in such cases which has relevance. In the absence of conviction in any earlier matter, the accused cannot be deprived of the right to bail. The learned counsel further relied upon an order of the Hon'ble High Court of Karnataka wherein, in a similar offence, the bail petition was rejected by the trial court but allowed by the High Court. The said decision was also produced. It was also submitted that bail is the rule and jail is the exception, and that this Court is the ultimate guardian of the individual liberty of citizens. The accused are ready to abide by all conditions that may be imposed by the Court and also undertake to furnish adequate surety for their future appearance. On these grounds, the counsel prayed for allowing the bail petitions.

**10.** In contra, the learned Public Prosecutor argued that the accused are facing allegations of a heinous offence involving the brutal murder of an individual. It was contended that the punishment prescribed for such an offence is severe, even extending to the death

penalty. The learned Public Prosecutor further submitted that the filing of the charge sheet itself establishes that substantial material has been collected by the investigating agency against the accused. Merely because the investigation is completed and charge sheet filed, the accused cannot claim bail as of right. On perusal of the charge sheet, there are sufficient materials to show that the accused conspired with the other accused persons to eliminate the deceased.

**11.** It was also contended that the accused persons have scant regard for the law and are habitual offenders, disturbing peace in the society. It was argued that actual participation in the murder of an individual and conspiracy to commit such an act, including providing financial aid or supplying weapons, are equally grave, if not more heinous, than direct involvement in the act of murder. The Public Prosecutor further contended that some of the accused are involved in several other serious offences, and if they are enlarged on bail, there is every likelihood that witnesses will be threatened or influenced, thereby obstructing the course of justice. On these grounds, the Public Prosecutor prayed for rejection of the bail petition. He further contended that the deceased also had criminal antecedents, and if these accused persons are released, there is a chance of risk to their lives from the followers of the deceased.

**12.** At this stage, the record would reveal that the prosecution has alleged the involvement of the present accused in the conspiracy for committing a brutal murder. It is well settled by the superior courts that while deciding bail applications in such cases, the Court has to consider the following aspects:

1. Whether there are reasonable grounds for believing that the accused has committed the offence;
2. The nature and gravity of the accusation;
3. The severity of the punishment in the event of conviction;
4. The possibility of the accused absconding if released on bail;
5. The character, conduct, antecedents and background of the accused;
6. The likelihood of the accused repeating the offence;
7. The possibility of the accused influencing witnesses;
8. The risk of justice being obstructed if bail is granted.

**13.** It is true that at the initial stage, the accused had moved for bail which was rejected on the ground that investigation was pending. Now, at this stage, the investigation has been completed and the charge sheet has been filed. However, the contention of the learned counsel for the accused that filing of the charge sheet gives an accrued right to bail cannot be accepted. The settled position of law is that if prima facie materials are available in the charge sheet to show the involvement of the accused in a heinous crime like murder, the accused are not entitled to bail merely on the ground of filing of charge sheet.

**14.** On perusal of the charge sheet and the documents annexed thereto, it is revealed that the accused persons, who have sought bail, have provided financial aid and dangerous weapons to the other accused for eliminating the deceased. These materials prima facie establish their participation in the conspiracy. There is considerable

force in the submissions of the learned Public Prosecutor. It is true that even though the present accused may not have directly participated in the actual commission of the offence, their role in providing finance and weapons for eliminating an individual is more grave than direct involvement. Considering the gravity of the offence, likelihood of influencing the witnesses, and the background of the accused persons, they are not entitled to bail.

**15.** No doubt, bail is the rule and jail is the exception, but this principle does not apply universally to all cases. In offences of such gravity, where the accused have played an active role in conspiracy and preparation for commission of a heinous crime, the rule cannot be blindly applied. It is also relevant to note that in SC.No.175/2016, some of these accused persons were involved in similar offences and were acquitted on the ground of lack of evidence. This shows that the accused have been repeatedly indulging in serious offences.

**16.** The apprehension of the prosecution that if the accused are released on bail, the witnesses will not come forward to depose freely appears to be well-founded. Further, there is some weight in the argument of the Prosecutor that if the accused persons are released on bail, there is a chance of risk to their lives from the followers of the deceased. Further, some of the witnesses have already given statements regarding the conspiracy, and the CDR reports are yet to be collected by the investigating agency. Considering the gravity of the offence, severity of punishment, and the possibility of obstruction of

justice, I am of the considered view that the accused are not entitled to bail.

**17.** The decision of the Hon'ble High Court of Karnataka relied upon by the learned counsel for the accused is distinguishable on facts. The nature of the allegations, the role attributed to the accused, and the gravity of the present offence are entirely different. Hence, the said decision cannot be applied to the present case.

**18.** On an overall consideration of the materials placed before this Court, I hold that there are no grounds to allow the bail petition. Accordingly, I answer Point No.1 in the Negative.

**19. Point No.2 :-** In view of the finding of this court on point No.1, I proceed to pass the following :-

**O R D E R**

The Petition filed by the petitioners / accused  
No. 12 to 20 U/Sec.483 of BNSS, is hereby rejected.

(Typed to my dictation by the Stenographer directly on the computer, corrected, signed and then pronounced by me in the open court on this the 29<sup>th</sup> day of August, 2025),

(Praveen Kumar R.N.)  
II Addl. District & Sessions Judge,  
Davanagere,

Order Pronounced in the open court  
(Vide separate order)

**ORDER**

The Petition filed by the petitioners /  
accused No. 12 to 20 U/Sec.483 of BNSS,  
is hereby rejected.

2<sup>nd</sup> ADJ, Davanagere.





