

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 26TH DAY OF DECEMBER, 2025**

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

**COMPLAINANT:-**

1. State by Vidyanagar Police,  
Davanagere,
2. Smt. Shruthi T.K., W/o Late  
Santhosh Kumar K., @  
Kanama, 40 years, R/o Near  
Khadikendra, Nittuvalli,  
Davanagere

**(By Public Prosecutor, Davanagere)**

**/Vs/**

**ACCUSED / :**

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-01, (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-01, (A.No.20),

**(By Sri C.T.H., Advocate),**

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

This bail petition is filed by the petitioners /accused No.18 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 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 his lunch and left the house. At about **5:30 p.m. to 5:45 p.m.**, one of her relatives telephoned her and informed her that at around **5:00 p.m.**, some unknown persons had attacked and murdered her husband with deadly weapons on **Hadadi Road**, in front of **Someshwara Hospital**. The complainant immediately rushed to the spot and found her husband lying dead. It is alleged that the accused committed the murder with malicious intent. After coming to know about the involvement of the accused persons, the complainant lodged a

complaint against them. Based on the said complaint, 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 investigation, the accused had moved an application for bail, which was rejected on the ground that the charge sheet had not been filed. The learned counsel submitted that now the charge sheet has been filed, yet there are no prima facie materials collected by the investigating agency to establish that the present accused are directly connected with the alleged crime or that they conspired with the main accused. It was further submitted that in order to prove conspiracy, there must be cogent and convincing 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 the accused, the same cannot be a ground to reject the present bail petition. It was argued that it is not the registration of cases but conviction in such cases which is relevant. In the absence of any conviction in earlier matters, the accused cannot be deprived of their right to bail. The learned counsel further relied upon an order passed by the Hon'ble High Court of Karnataka wherein, in a similar offence, the bail petition rejected by the trial court was

allowed by the High Court. The said decision was produced before this Court. It was also submitted that bail is the rule and jail is the exception, and that this Court is the ultimate guardian of the personal liberty of citizens. The accused are ready to abide by all conditions imposed by the Court and undertake to furnish adequate surety for their future appearance. On these grounds, the learned counsel prayed for allowing the bail petitions.

**10.** Per contra, the learned Public Prosecutor strongly opposed the bail petition and submitted that the accused are facing serious allegations involving the brutal murder of an individual. It was contended that the punishment prescribed for such an offence is severe and may extend even to the death penalty. The learned Public Prosecutor further submitted that the filing of the charge sheet itself indicates that substantial material has been collected by the investigating agency against the accused. Merely because the investigation is completed and the charge sheet has been filed, the accused cannot claim bail as a matter of right. On perusal of the charge sheet, there are sufficient materials to show that the accused conspired with 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 who disturb peace in society. It was argued that actual participation in the murder and conspiracy to commit such an act, including providing financial assistance or supplying deadly weapons, are equally grave, if not more heinous, than direct involvement in the act of murder. The learned Public Prosecutor further submitted that some of the accused are

involved in several other serious offences, and if they are enlarged on bail, there is every likelihood that the prosecution witnesses may be threatened or influenced, thereby obstructing the course of justice. It was further contended that after filing of the charge sheet, the petitioners had approached the Hon'ble High Court of Karnataka seeking bail, but their applications were rejected. At this stage, the petitioners have failed to demonstrate any changed circumstances warranting grant of bail. On these grounds, the learned Public Prosecutor prayed for rejection of the bail petition. It was further submitted that the deceased also had criminal antecedents and that if the accused are released on bail, there is a likelihood of risk to their lives from the followers of the deceased.

**12.** At this stage, the record reveals that the prosecution has alleged the involvement of the present accused in a conspiracy to commit a brutal murder. It is well settled by the superior courts that while deciding bail applications in such cases, the Court must 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; and
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 the investigation was pending. At present, 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 offence like murder, bail cannot be granted merely on the ground that the charge sheet has been filed. It is also contended by the petitioners that one of the accused is suffering from certain ailments and that there is no proper care available in jail. However, the records reveal that the jail authorities have provided necessary medical treatment, including treatment for piles. Further, after rejection of bail post-filing of the charge sheet, the petitioners had approached the Hon'ble High Court of Karnataka, wherein their bail applications were rejected. The petitioners have not preferred any appeal against the said order. At this stage, they have failed to demonstrate any changed circumstances to warrant grant of bail in a serious offence like murder. It is true that in the present case, the Hon'ble High Court of Karnataka has granted bail to Accused Nos.15 and 17, however, the role attributed to them is entirely different from

that of the present applicants. Hence, the rule of parity is not applicable.

**14.** On perusal of the charge sheet and the documents annexed thereto, it is revealed that the accused persons seeking bail have allegedly provided financial assistance and deadly weapons to other accused for eliminating the deceased. These materials prima facie establish their involvement in the conspiracy. There is considerable force in the submissions made by the learned Public Prosecutor. Even if the present accused may not have directly participated in the actual commission of the offence, their role in providing financial aid and weapons is equally, if not more, grave. Considering the seriousness of the offence, likelihood of influencing witnesses, and the antecedents of the accused, they are not entitled to bail.

**15.** No doubt, bail is the rule and jail is the exception, however, this principle cannot be applied mechanically in 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 said principle has limited application. It is also relevant to note that in **S.C. No.175/2016**, some of the accused were involved in similar offences and were acquitted on the ground of lack of evidence, which indicates repeated involvement in serious criminal activities.

**16.** The apprehension expressed by the prosecution that if the accused are released on bail, witnesses may not come forward to depose freely appears to be well founded. Further, there is force in the contention that if the accused are released, there is a possibility of

risk to their lives from the followers of the deceased. Some witnesses have already given statements regarding the conspiracy, and the Call Detail Records (CDR) are yet to be collected by the investigating agency. Considering the gravity of the offence, severity of punishment, and the likelihood of obstruction of justice, this Court is 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 allegations, the role attributed to the accused, and the gravity of the offence in the present case are entirely different. Hence, the said decision is not applicable to the present case.

**18.** On an overall consideration of the materials placed on record, this Court is of the opinion that no grounds are made out to allow the bail petition. Accordingly, **Point No.1 is answered 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. 18 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 26<sup>th</sup> day of December, 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. 18 to 20 U/Sec.483 of BNSS,  
is hereby rejected.

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



