

KADG010024692025



Presented on : 06-08-2025

Registered on : 06-08-2025

Decided on : --

Duration :

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

**Presided Over by SRI. PRAVEEN KUMAR.R.N  
II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE  
DAVANGERE**

**SPL.C/346/2025**

**COMPLAINANT:-**

State by Vidyanagar Police,  
Davanagere,

**(By Public Prosecutor, Davanagere)**

***/Vs/***

**ACCUSED / :**

Sandeep, S/o Late Nagaraj, 25 years,  
Office Boy, R/o #2224, Near  
Rastrothaana School, Anjaneya  
Extension, 2<sup>nd</sup> Cross, Nittuvalli,  
Davanagere, (A.No.11),

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

This bail petition is filed by the petitioner /accused No.11 under Sec.483 of BNSS, with a prayer to release him on bail in connection with Crime No.103/2025 on the file of this court for the offences punishable U/s 498, 61(2), 103(1), 189(2), 191(2), (3), 238(a) R/w.Sec.190 of BNSS, 2023, and Sec. 27(1) & (5) of Indian Arms Act, 1959.

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

**3.** As per the accused is respectable person and deep rooted in the society and law abiding citizen, he has not at all committed any offences as allegation made by the complainant. The allegations made by the complainant is 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, he has not present at the time of incident. The accused is in judicial custody from 11.05.2025 and his permanent resident is the above cause title address. He is having a family and he is having movable and immovable properties in his place. If the accused is not released on bail, his family would suffer very loss and injury. The accused has been falsely implicated in this case. There is no prima facie case is made out against the accused. If the accused is released on bail, he

is ready to abide by all the conditions imposed by the court and is 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 him. 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 is 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 is 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 about 1:00 p.m., her husband finished

his lunch and left the house. At around 5:30 to 5:45 p.m., one of her relatives called 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 immediately rushed to the spot and found her husband dead. It is alleged that the accused committed the murder with malicious intention. After learning about the involvement of the accused in the said incident, the complainant lodged a complaint against him. 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 contended that the accused is in no way connected with the alleged offence and that he has been falsely implicated by the police. It was further argued that at the stage when the crime was registered, the accused had moved for bail, but the same 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; however, there are no prima facie materials collected by the investigating agency to show that the present accused is directly connected with the alleged crime or that he had conspired with the main accused. It was further argued that, in order to establish 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.** The learned counsel for the accused further submitted that the complainant's husband had murdered one Bullanaga at SOG Colony along with other accused persons and that they were illegally grabbing public property by threatening people with political support. It was contended that the complainant's husband was a rowdy-sheeter who used to assault and threaten people if they opposed him. It was further submitted that in connection with the murder of Bullanaga, the first accused and the complainant's husband had a dispute over money, and due to the said dispute, the first accused committed the murder along with other accused persons. The learned counsel further contended that at the stage of registration of the crime, the present accused No.11 had not filed a bail petition and that this is the first time he is seeking bail. It was also contended that the accused is suffering from several ailments and is undergoing treatment at various hospitals. In particular, it was submitted that the accused is suffering from severe gastroenteritis and, being in judicial custody, it is difficult for him to receive proper medical treatment.

**10.** 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, that is relevant. In the absence of any conviction in earlier matters, the accused cannot be deprived of his right to seek 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 for consideration. It was further 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 expressed his readiness to abide by all conditions that may be imposed by the Court and undertook to furnish adequate surety for his future appearance. On these grounds, the learned counsel prayed to allow the bail application.

**11.** In contra, the learned Public Prosecutor argued that the accused is facing allegations of committing a heinous offence involving the brutal murder of an individual. It was contended that the punishment prescribed for such an offence is severe and may even extend to the death penalty. The learned Public Prosecutor further submitted that the filing of the charge sheet itself demonstrates 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, it was contended that there are sufficient materials to show that the accused conspired with other accused persons to eliminate the deceased.

**12.** It was further contended that the accused has scant regard for law and is a habitual offender who disturbs peace and order in society. It was argued that conspiracy to commit murder, including providing financial assistance or facilitating the offence, is as grave and heinous as actual participation in the act of murder. The learned Public Prosecutor further contended that the accused is involved in several other serious offences and that, if he is enlarged on bail, there

is every likelihood of witnesses being threatened or influenced, thereby obstructing the course of justice. It was further contended that the filing of the charge sheet does not amount to a change in circumstance; rather, it strengthens the prosecution case by establishing the existence of a prima facie case. It was also submitted that CCTV footage has been recovered, which establishes the involvement of the petitioner/accused in the heinous crime. On these grounds, the learned Public Prosecutor prayed for rejection of the bail petition. It was further contended that the deceased also had criminal antecedents and that, if the accused is released on bail, there is a risk to his life from the followers of the deceased.

**13.** At this stage, the record reveals that the prosecution has alleged the involvement of the present accused in the 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 take into consideration 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.

**14.** It is true that the accused has moved this bail petition for the first time on the ground that he is suffering from certain ailments. However, on perusal of the records of the jail authorities, it is evident that the accused has been taken to hospitals and provided with necessary medical treatment. At this stage, it is clear that mere suffering from ailments cannot be a ground to grant bail, particularly in heinous offences such as murder and conspiracy to commit murder.

**15.** Further, this Court has carefully perused the charge sheet and the documents enclosed therein. The main allegation against the accused is that he acted as a middleman prior to the commission of the offence and facilitated the transaction of money to the actual perpetrators who executed the murder. At this stage, it is evident that the accused is directly involved in the conspiracy to commit murder. It is further reflected in the charge sheet that, after execution of the offence, he himself transferred money to the first accused. This clearly indicates that, as per the conspiracy, after execution of the offence, the accused financially assisted the first accused. Therefore, until the material witnesses are examined by the prosecution, it would not be appropriate to extend the relief of bail.

**16.** Further, this Court has also noticed that one of the accused, who was granted bail by the Hon'ble High Court of Karnataka, was subsequently arrested in another heinous offence under the NDPS Act within a short span of time. This indicates that the accused persons, including the present accused, are continuously engaging in

criminal activities. Therefore, considering the same, until the material witnesses are examined by the prosecution, it would not be proper to grant bail.

**17.** Further, the order sheet reflects that when the case was posted for framing of charges and the charges were ready, one of the accused filed an application for discharge. At this stage, the learned counsel contended that the accused has been in judicial custody for more than one year and that the case is not progressing. However, this contention is not acceptable. At the stage of hearing before charge, the accused side sought repeated adjournments, and thereafter, the discharge application came to be filed. Hence, delay in trial cannot be a ground for granting bail. With regard to the medical condition of the accused, the jail authorities have already provided adequate treatment and are continuing to do so under the directions of this Court. Therefore, this is also not a fit stage to grant bail. Considering the seriousness and gravity of the offence, this Court is of the view that it is not appropriate to grant bail at this stage. It is also the apprehension of the prosecution that there is a gang rivalry involved in this matter and that the deceased had criminal antecedents with followers of his own. If the present accused is released on bail, there is a likelihood of retaliatory violence from the followers of the deceased. Therefore, in the interest of public tranquillity also, the accused is not entitled to the relief of bail. Accordingly, Point No.1 is answered in the negative.

**18. 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 petitioner / accused No. 11 U/Sec.483 of BNSS, is hereby rejected.

The counsel for the accused filed memo to return the medical history of the accused. Hence it is directed the office to return the same.

(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 02<sup>nd</sup> day of February, 2026),

(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 petitioner /  
accused No. 11 U/Sec.483 of BNSS, is  
hereby rejected.

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



