

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 23RD DAY OF FEBRUARY, 2026

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, 1st Cross,
Davanagere,
P.R/o Jayanagara 'C' Block,
Near Kadamba Park, Near 1st

Cross, Davanagere, (A.No.18),

8. Manjunatha M. @
Kaaradapudi Manju, S/o
Maheshappa, 23 years,
Vegetable business, R/o
Halechikkanahalli, 4th Cross,
4th 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, 8th Cross, Bharath
Colony, Davanagere-01,
(A.No.20),

(By Smt./Sri KNU., 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 Affirmative,

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 about 5.30 p.m. to 5.45 p.m., one of her relatives telephoned her and informed her that at about 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. Upon learning 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 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; however, no prima facie material has been 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 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 previously registered 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 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 case, the bail petition rejected by the trial court was allowed by the High Court. It was also contended that another accused facing similar allegations has been enlarged on bail by the Hon'ble Supreme Court of India, and the said decision has been placed before this Court. It was further submitted that bail is the rule and jail is the exception, and that this Court is the guardian of the personal liberty of citizens.

10. The learned counsel for the accused further submitted that the complainant's husband had earlier been involved in the murder of one Bullanaga at SOG Colony along with other accused persons. It is alleged that they were involved in illegal activities, including grabbing public property by threatening people with political support. It is further contended that he was a rowdy-sheeter who used to assault and threaten those who opposed him. In connection with the said incident, it is contended that the first accused and the deceased had a dispute over money, and therefore, the first accused, along with other accused persons, committed the murder. The learned counsel further submitted that since accused Nos.12, 15, and 17 have already been enlarged on bail by the Hon'ble High Court, the present accused are also entitled to bail on the ground of parity. The accused have expressed their willingness to abide by all conditions imposed by this Court and to furnish adequate surety for their future appearance. On these grounds, the learned counsel prayed for allowing the bail petition.

11. 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. Upon perusal of the

charge sheet, it is 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 persons have scant regard for the law and are habitual offenders who disturb public peace. It was argued that participation in the conspiracy to commit murder, including providing financial assistance or supplying deadly weapons, is equally grave as 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 released on bail, there is a likelihood of them threatening or influencing prosecution witnesses, thereby obstructing the course of justice. It was also 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. It was further submitted that the deceased also had criminal antecedents, and if the accused are released on bail, there may be a risk to their lives from the followers of the deceased. On these grounds, the learned Public Prosecutor prayed for rejection of the bail petition.

13. It is well settled by the superior courts that while deciding a bail application, the Court must consider the following aspects:

- * Whether there are reasonable grounds for believing that the accused has committed the offence;
- * The nature and gravity of the accusation;

- * The severity of the punishment in the event of conviction;
- * The possibility of the accused absconding if released on bail;
- * The character, conduct, antecedents, and background of the accused;
- * The likelihood of the accused repeating the offence;
- * The possibility of the accused influencing witnesses; and
- * The risk of justice being obstructed if bail is granted.

14. It is true that at the initial stage, both during the investigation and even after filing of the charge sheet, these petitioners had moved for bail, which came to be rejected on the ground that the investigation was pending and that serious offences were alleged against them. However, subsequently, the Hon'ble High Court of Karnataka and the Hon'ble Supreme Court of India have granted bail to certain accused persons whose roles are similar to that of the present petitioners. Thus, there is a change in circumstances. When the superior courts have observed that such accused were only conspirators and not directly involved in the commission of the offence, the principle of parity is applicable to the present petitioners as well.

15. Further, it is the contention of the prosecution that if the accused are released on bail, there is a likelihood of them threatening prosecution witnesses and absconding. However, the accused have expressed their willingness to abide by all conditions imposed by this Court and to furnish sufficient sureties. Therefore, it appears that by

imposing stringent conditions, the apprehensions of the prosecution can be adequately addressed. Accordingly, Point No.1 is answered in the Affirmative.

16. 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 application filed by U/Sec.483 of BNSS by the accused No.18 to 20 is hereby allowed.

Accused are ordered to be enlarged on bail on executing personal bond for a sum of Rs.1,00,000/- each with two sureties and subject to the following conditions :

- 1) Accused shall not tamper or threaten the prosecution witnesses.
- 2) Accused shall attend before the court on all the dates of hearing regularly, and also shall co-operate during the trial of the case.
- 3) Accused should furnish the Aadhar Card and their authenticated residential proof.

The violation of the above conditions entails cancellation of the bail.

(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 23rd 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 petitioners /
accused No. 18 to 20 U/Sec.483 of BNSS,
is hereby rejected.

2nd ADJ, Davanagere.

