

ORDER ON BAIL APPLICATION
FIELD ON BEHALF OF THE
ACCUSED NO.6 U/S.483 OF
BNSS.

Learned counsel for the accused No.6 has filed this application U/S.483 of BNSS seeking to enlarge this accused on bail by contending that this accused is an innocent person and he has not committed any offence. From 23/03/2025 he is in judicial custody. Entire allegations are on accused No.1. This accused No.6 was not apprehended at the spot. Hence the alleged recovery do not connect accused with the crime. In CrI.Ptn.No.11611/2025 Hon'ble High Court rejected the bail petition of the petitioner No.2. C.W.4 to C.W.15 are the eye witnesses. But all of them are police officials. Entire prosecution case rest upon official witnesses. There is no specific recovery of the weapon from this accused. Confession statement made to police officers is not admissible in evidence. Mere possession of certain articles is not sufficient to establish preparation for dacoity. Based on police evidence it is not possible to connect the accused with the crime. Injuries sustained by the witnesses are simple injuries. This accused is in judicial custody for considerable period. Successive bail application is maintainable in the change of circumstances. Criminal antecedents of the accused cannot be the ground to reject the bail application. Bail is a rule and jail is an exception. Personal liberty of the

accused is important. There are several witnesses in this case. It will take sufficient time to dispose the case. Hence prayed to allow the application.

Prosecution contested this application by filing detailed objection by reiterating the case of the complainant and further contended that, there is a prima facie case against this accused. Accused No.1 and accused No.6 are from Uttar Pradesh. Now accused No.5 is also absconding. Accused No.2 to 4 are also absconding. The bail application filed by this accused is already rejected. There are no new grounds to grant bail. There is prima facie case against this accused. Offences are heinous in nature. Allegations against this accused is that they were making preparation to commit bank robbery and during that time the police restrained them and to escape from the hands of the police this accused tried to commit their murder. Hence prayed to reject the application.

Heard arguments and perused the records.

Now the point for determination is as follows:

- 1) Whether the accused No.6 has made out by sufficient grounds to grant bail by resorting to special powers vested in this Court U/S.483 of BNSS?

On the basis of the materials available on record, finding to the above point is in the negative for the following:

REASONS

Point No.1:- I have gone through the entire materials available on record. Offences are heinous in nature. Sec.109 of BNS is punishable with imprisonment for life. Bail was granted to the accused No.2 to 4. Now they are absconding. Accused No.5 is not yet traced. Bail application of accused No.1 and 7 is also dismissed by this court. There is no new ground to grant bail. Even Hon'ble High Court has also rejected the bail application. Considering the nature and gravity of the offences and also the manner in which it is committed, the apprehension of the prosecution cannot be ruled out. If bail is granted there is every chance of absconding. In this regard the arguments of learned public prosecutor is acceptable one. Hence aforesaid point is answered in the negative and proceed to pass the following :

ORDER

Bail application filed by the accused No.6 U/S.483 of BNSS is hereby rejected.

C/c I ADDL.DISTRICT &
SESSIONS JUDGE,
DAVANAGERE.