

KADK010066222023



Presented on : 21-12-2023
Registered on : 21-12-2023
Decided on : 07-11-2025
Duration : Year Month Day
01 10 16

**In the Court of III Additional District and Sessions Judge, D.K.,
Mangaluru.**

Present:- **Smt. Sunitha S.G.**, B.Sc., LL.B.,
III Additional District and Sessions Judge,
D.K., Mangaluru.

Dated: - This the **7th day of November, 2025.**

SC/230/2023

Complainant: The State,
by Mulki Police Station,
represented by Public Prosecutor,
D.K. Mangaluru.

(By learned Public Prosecutor)

Versus

Accused: A-1 Manjunatha,
Aged about 25 years,
S/o. Hanumanthappa,
R/at 19-29/2, Korantabettu,
Lingappaiahkadu, K.S. Rao Nagar,
Karnad Village, Mulki taluk,
Permanently residing at
near Gajendragada, Guddi Jaalapura,
Kustagi Taluk, Koppala District.

A.2 Sanjeeva,
Aged 23 years,
S/o.Hanumanthappa,
R/at 19-29/2, Korantabettu,
Lingappaiahkadu, K.S. Rao Nagar,
Karnad Village, Mulki taluk,
Permanently residing at
near Gajendragada, Guddi Jaalapura,
Kustagi Taluk, Koppala District.

(By Sri.Kishore D'Silva,
Standing Counsel)

ORDER ON BAIL APPLICATION

This application is filed by the accused Nos. 1 and 2 under Section 439 of the Criminal Procedure Code, seeking for bail in connection with S.C. No.230/2023 (in Crime No.78/2023 of Mulki Police Station) for the offence punishable under Sections 306 read with 34 of IPC.

2. The brief facts of the prosecution case are that one Smt.Sumithra was residing along with her three children namely Manjunatha, Sanjeeva and Prahlada in a rented house belonging to complainant No.19-29-2 of Korangabettu, Lingappayyana Kadu, Karnad Village, Mulki, for about 15 years by doing coolie work. The sons of Mrs. Sumitra used to quarrel with her frequently, two

to three occasions, complainant had intervened and pacified them. On earlier occasions, the complainant had also advised Sumitra to go to her native place at Karwar, and accordingly, she had gone there. About a week prior to the incident, she was brought back to Lingappayyana Kadu by her children. Approximately three to four days before the incident, Accused No. 2 - Sanjeeva and another son Accused No.3 Prahlada again quarreled with Sumitra, in this regard the said Sumithra telephoned to the complainant and informed him that her sons were beating her and saying that "let her die and they will have food elsewhere." On 31.08.2023, at around 10:40 p.m., while the complainant was checking the CCTV footage from the camera installed outside his house, he noticed the sons of Sumitra running in and out of their house in a disturbed manner. The complainant then called Sumitra's phone, which was answered by her younger son, who stated that their mother was not speaking and requested the complainant to come home immediately. The complainant thereafter came to Lingappaiahkadu of Mulki and found that the said Sumitra had committed suicide by hanging. Thereafter they have taken her to Srinivas Hospital, Mulki,

where the doctors declared her brought dead. It has been further alleged that due to the frequent quarrels and continuous harassment by her sons Manjunatha, Sanjeeva, and Prahlada, Sumitra was driven to take the extreme step of committing suicide. Therefore, her sons Manjunatha, Sanjeeva, and Prahlada are alleged to be responsible for the death of their mother, and accordingly, the present case has been registered against them.

On the basis of the complaint, Konaje Police have registered a case in Crime No.78/2023 for the offences punishable under Sections 306 read with 34 of IPC. Thereafter, the Investigating Officer has filed charge sheet against Accused persons for the aforesaid offences. The case is registered as CC No.1127/2023.

3. Thereafter, case was committed to the Sessions Court against Accused. The said case is registered as SC No.230/2023. Then the accused persons have filed the bail application.

4. During the crime stage, all the accused persons had applied for bail in CrI.Misc. No.921/2023 before this court and

allowed the bail application of accused No.3 and rejected the bail application of accused Nos.1 and 2 on 04-11-2023.

5. The accused persons have now sought for bail on the ground that they are innocent of the offences alleged against them. They have been falsely implicated in this case. The entire case is based on suspicion and circumstantial evidence. There is no direct or cogent material to connect the accused persons. The allegations made by the complainant against the Petitioners are false, totally frivolous as well as devoid of merits. There is prima-facie materials against the accused persons. The police have completed the investigation and filed the charge sheet. The case is already committed to this court and evidence is yet to begin and concluding of case may take many months. Hence, keeping the Petitioners in Judicial Custody not only serves as pre-trial punishment but also deprives them from right to liberty.

The accused persons are neither habitual offenders nor ex-convicts and are young persons and as such keeping them amidst

hardened criminals in the jail, may lead the accused persons to transform negatively as well as affect their mental conditions.

The accused No.2 has been suffering from Bronchopneumonia, acute necrosis and has been under treatment for the same. As such he has to be treated in a private hospital and accused No.1 has to attend him to look after him. Hence keeping them in judicial custody may lead to further deteriorate the health and mental condition.

Further the accused No.3 has been already enlarged on bail by this court in CrI.Misc.No.921/2023 and as such accused Nos.1 and 2 may also granted bail on parity ground.

The accused persons are residing in the address mentioned in the cause title and having deep roots in the society. They are ready and willing to abide by any conditions that may be imposed by the Court. On the above grounds, they have prayed to enlarge them on bail.

6. Per contra, the learned Public Prosecutor has filed his objection statement narrating the gist of the prosecution case. He has strongly opposed the bail application on the grounds that the offences alleged are heinous in nature and there are serious allegations against the accused and filing of the charge sheet strengthen the case. The accused persons have committed the alleged offence. There is a case registered against the accused persons in Crime No.52/2022 for the offence p/u/s.37(b) of NDPS Act. In the said case, the Civil Judge and JMFC Court, Moodbidri, held a hearing under C.C. No. 836/2022 and convicted the accused Sanjeev. The 3rd accused who has been released on bail, had not appeared before the Court and was absconding from 16-01-2024.

Further, all the accused persons had applied for bail under Section 439 of Cr.P.C. and the Court had rejected the bail application of accused Nos.1 and 2. If accused persons are released on bail, there are chances of the accused committing similar offences, tampering of witnesses and absconding. On

these grounds, the learned Public Prosecutor has prayed for rejection of the bail application.

7. Heard both sides. I have carefully perused the entire materials on record. The learned counsel for the accused has furnished the Medical report of accused No.2.

8. Based on the above, the following points that arise for my consideration are:

- 1) Whether the accused persons are entitled for regular bail?
- 2) What Order?

9. Now my findings to the above said points are as follows:

Point No.1 : Partly in Affirmative

Point No.2 : As per final order.

for the following:

REASONS

10. **Point No.1**: On perusal of the materials on record, it is needless to say that the case was registered against the accused persons and Prahlada for the aforesaid offences. Medical records of accused No.2 reflects health issues as alleged.

11. Further, it is also seen from the objection that, accused No.3 who was enlarged on bail in CrI.Misc.No.921/2023 dated 04-11-2023, is absconding and split up case is filed against him. Under such circumstance, taking into consideration the medical records of accused No.2 and also the apprehension of the prosecution that he would abscond, that if he is released on bail, there are chances of him to commit similar offences. I am of the opinion that accused No.2 has made out a case to allow the application and the accused No.1 has failed to make out any grounds to allow the application. Accordingly, Point No.1 is answered partly in *Affirmative*.

11. **Point No.2:** In view of my answer to Point No.1 partly in Affirmative and for the reasons stated above, this Court proceed to pass the following:

ORDER

The bail application filed by the accused No.1 under Section 439 of Cr.P.C., is hereby rejected.

The bail application filed by the accused No.2 under Section 439 of Cr.P.C, is hereby allowed.

Accused No.2 is ordered to be released on bail in connection with S.C. No.230/2023 (in Crime No.78/2023 of Mulki Police Station) on executing a personal bond for a sum of ₹.1,00,000/- with one surety for the like-sum, subject to the following conditions:

1. He shall not indulge in commission of any similar offences.

2.He shall not tamper or threaten the prosecution witnesses.

3. He shall regularly appear before the Court on all hearing dates without fail.

4. He shall not leave the jurisdiction of the court with prior permission and shall furnish the address proof with mobile number.

If any one of the conditions is violated, the bail is liable to be canceled.

(Typed by the Stenographer Gr-I to the dictation, the transcript corrected and signed by me and then pronounced in the open court on this the 7th day of November, 2025.)

(Sunitha S.G.)
III Addl. District & Sessions Judge,
D.K., Mangaluru.