

KAHS010038972026



Presented on : 21-05-2026
Registered on : 21-05-2026
Decided on : 23-06-2026
Duration : 1month 2 days

**BEFORE THE III ADDL. DISTRICT & SESSIONS COURT AT
HASSAN.**

**PRESENT: Sri. Doddegowda K., B.A., LL.B.,
III Addl. District & Sessions Judge,
Hassan.**

Dated this 23rd day of June, 2026

:Crl. Misc./538/2026:

**Applicants/Accused : 17. Somashekhara @ Somu,
S/o Adavesh,
Aged about 20 years,
R/o Chikkagandasi village,
Gandasi Hobli,
Arasikere Taluk, Hassan district.**

(By Sri. K.C.K., Advocate)

V/s

**Respondent : State by:
Dudda Police Station,**

(Rep. by Public Prosecutor)

ORDER ON BAIL APPLICATION FILED BY THE ACCUSED**No.17 U/Sec.483 of B.N.S.S**

This application is under Section 483 of B.N.S. filed by the petitioner/accused No.17 in Dudda P.S. Crime No.35/2026 for grant of regular bail for reasons stated therein in connection with offences punishable under Section 189(2), 191(2), 191(3), 127(2), 137(2), 118(1), 103(1), 238 R/w Sec.190 of The Bharathiya Nyana Sanhitha, 2023.

2. The grant of bail is opposed by the learned P.P. and requested to reject the application for the reasons set out in her written objections in the interest of justice.

3. Heard arguments from both sides and perused the materials placed on record.

4. The points that arise for my consideration are:

1. Whether the petitioner/accused No.17 is entitled for regular bail as prayed in the application filed under U/s.483 of Bharathiya Nyaya Sanhita, 2023?

2. What order?

5. My answer to the above points is as follows:

*Point No.1 : **As Negative,***

Point No.2 : As per final order, for the following;

::REASONS::

6. Point No.1:- The case of the complainant in brief is that, within the jurisdiction of Gandasi Police Station, one Smt. Kalavathi, wife of Late Mahesh, a resident of Kadayya Koppalu village, appeared before the police station on 15/03/2026 and lodged a complaint stating that her 22-year-old son Varun had left home on 10/03/2026 at about 12:00 noon, informing that he was going to Hassan to get his bike repaired, but had not returned home thereafter. Based on her complaint, a case was registered in Gandasi Police Station Crime No. 42/2026 under the “man missing” category, and investigation was taken up. During the course of investigation, the police visited the village and gathered information regarding the whereabouts of Varun. It was revealed through informants that one Shashank was a friend of Varun and that there were financial transactions between them. Since Shashank’s phone was found switched off, his Call Detail Records (CDR) were obtained and analyzed, which revealed that he was in contact with one Sandeep of Kalenahalli Hatti village.

7. It is further alleged that on 19/03/2026, Sandeep appeared before the police station and gave his statement. He

stated that he was studying B.Sc. at the Government Home Science College in Hassan while staying in the SC/ST Hostel. During his stay at the hostel, he became friends with one Pruthvik, a resident of Shiravase village in Chikkamagaluru district. Both of them had earlier worked as delivery boys in Mysuru and had lived together in the same room. Sandeep further stated that on 07/03/2026, while returning to their native place, he had parked an electric bike (taken on rent for delivery work) at the Mysuru Sub-Urban Bus Stand and handed over the key to Pruthvik. Thereafter, both of them travelled by bus from Mysuru to Gandasi, where Pruthvik's friend Shashank took possession of the bike. They then travelled to Kalenahalli Hatti village and later proceeded on the same bike to attend a family function at Pruthvik's relative's house in Chikkamagaluru. After attending the function, they returned to Hassan and stayed overnight at the hostel. On 08/03/2026, both of them returned to their respective villages on the bike, and Pruthvik dropped Sandeep at his village before leaving. Sandeep further stated that on 10/03/2026, when he was preparing to go to Mysuru for work, he called Pruthvik and asked him to return the bike key. Pruthvik informed him that he was outside and would return in the

evening, but did not do so. Later, upon calling again, Pruthvik informed him that he, along with his friends Shashank, Satish, Kiran, Abhi, and Jeevan, had come to Gandasi to bring someone, and asked Sandeep to come the next morning so they could go together to Mysuru.

8. It is further alleged that on 11/03/2026 at about 10:00 AM, Pruthvik came near the hostel on a scooter. When Sandeep asked for the bike key, Pruthvik told him that he had left it at the house of Kiran in Hangarahalli village and asked him to accompany him to retrieve it. Sandeep went with Pruthvik to Kiran's farmhouse located near Nittur. Upon reaching there, he saw several persons including Shashank, Satish, Abhi (of Nittur), Jeevan (of Gandasi), Chetan, and Gaja @ Prajwal of Dasarakoppalu, along with two other unidentified youths. Sandeep observed that one of the youths was being assaulted using a long, wire, and punch. When he questioned Pruthvik about the incident, Pruthvik informed him that the persons being assaulted were Varun and Lohith, residents of Chandenahalli, who owed money to Shashank and had failed to repay the same. He further stated that they had brought them the previous night at about 11:00 PM from near Gandasi lake and had been

assaulting them throughout the night.

9. It is further alleged that after some time, Lohith was asked by Shashank to fetch water from a drum in the farm. However, he managed to escape from the spot. The other person (Varun) was kept there. When Sandeep expressed his intention to leave for Mysuru, Pruthvik gave him the bike key and asked him to take Gaja @ Prajwal's scooter. Sandeep then returned to Hassan and proceeded to Mysuru. He further stated that on 12/03/2026 at about 2:10 PM, Pruthvik called him from the phone number of his hostel friend Dakshath (No. 8073730789) and informed him that they had collectively assaulted Varun and murdered him at Shashank's house. Pruthvik also threatened him not to disclose the incident to anyone, stating that it would cause trouble for him. Out of fear, Sandeep did not disclose the matter to anyone. During the course of investigation, based on Sandeep's statement, it was revealed that the missing person Varun had been abducted near Gandasi lake by Shashank, Satish, Kiran, Abhi, Jeevan, Chetan, Gaja @ Prajwal, and Pruthvik due to a financial dispute. They had taken him to Kiran's farmhouse at Hangarahalli village within Gandasi Police Station limits, where they assaulted him with deadly weapons with an intention to kill. Thereafter, they

took him to Shashank's house in Hassan, where they further assaulted him using a long, wire, and punch, and murdered him. Based on the complaint, a case was registered in Crime No. 35/2026 of the respondent police station, against the petitioner and others for the offences punishable under sections 189(2), 191(2), 191(3), 127(2), 137(2), 118(1), 103(1), 238 R/w Sec.190 of BNS. The matter is currently under investigation by the respondent police.

10. The learned counsel for accused No.17, while advancing her arguments, contends that the 7th accused has already been granted bail by the Court of the III Additional District and Sessions Judge, Hassan, in Crl. Misc. No. 383/2026, and the 16th accused has been granted bail by the Court of the II Additional District and Sessions Judge, Hassan, in Crl. Misc. No. 418/2026. The present petitioner has been implicated in the above case merely on the allegation that he had provided a motorcycle to the accused persons. The name of the petitioner does not find place either in the complaint or in the First Information Report. The petitioner has been arrayed as an accused solely on the basis of the statements allegedly made by the other accused persons. Upon a careful and thorough examination of the allegations made

in the above case, it is apparent, prima facie, that the accusations levelled against the petitioner are false. A detailed scrutiny of the complaint would reveal that the case is based on a fabricated story. The petitioner has not committed any unlawful act as alleged in the complaint. The complaint has been lodged with a mala fide intention to harass the petitioner without any justifiable reason.

He further argued that the petitioner has no connection whatsoever with the alleged offence. He is a law-abiding citizen who has great respect for the rule of law and the administration of justice and is the sole breadwinner of his family. The petitioner is a permanent resident of the address mentioned in the cause title and possesses sufficient movable and immovable properties at the said address. He undertakes to abide by any conditions that may be imposed by this Court, execute the necessary bail bond, and appear before the Court on every hearing date without fail. The offence alleged against the petitioner is not punishable with death or imprisonment for life. If the petitioner is enlarged on bail, he undertakes to furnish adequate sureties and execute the necessary bail bond to the satisfaction of this Court. He further undertakes not to tamper with the prosecution witnesses,

threaten or influence them in any manner, and to extend full cooperation to the Investigating Officer during the course of investigation. Therefore, the counsel prays for the release of Accused No.17 on regular bail.

11. The learned Public Prosecutor (P.P.), while advancing her arguments, contends that the bail application filed by the accused No.17 is not maintainable. The case is registered against the petitioner/ accused No.17 in Crime No.35/2026 for the offences punishable U/Sec.189(2), 191(2), 191(3), 127(2), 137(2), 118(1), 103(1), 238 R/w Sec.190 of the B.N.S. The offences are non bailable in nature. Further, the learned Public Prosecutor by detailing the prosecution story contends that the case is still under investigation. The absconding accused persons are yet to be apprehended. The mobile phones and weapons allegedly used in the commission of the offence are required to be recovered from the absconding accused. Other seized properties have been sent to the Forensic Science Laboratory (FSL), and the reports are yet to be obtained. If the accused is released on bail, there is a likelihood that he may threaten the injured persons and the family members of the deceased and may tamper with the prosecution evidence. The allegations reveal that the accused abducted one Varun (C.W.

No. 502) over issues relating to ganja and money, wrongfully confined him for about two days, assaulted him with deadly weapons, subjected him to severe torture, and ultimately murdered him. It is further alleged that the accused destroyed evidence by burning the clothes of the deceased as well as the clothes worn by the accused persons at the time of the incident. Granting bail to such an accused would send a wrong message to society.

She further argued that the petitioner/accused is already in judicial custody, and the case is still at the stage of investigation. Therefore, at this stage, the petitioner/accused is not entitled to be released on bail. The accused is required for the purpose of investigation. If regular bail is granted, there is a likelihood that the accused may not cooperate with the investigation, may abscond, and may show complete disregard towards the investigative process. Hence, the regular bail petition filed by the petitioner/accused is not maintainable in law and is liable to be dismissed.

She further argued that the petitioner/accused is a person having considerable financial strength, influence, and support in the locality. If released on regular bail at this stage, there is every

possibility that he may induce the prosecution witnesses with monetary benefits and influence them not to depose truthfully before the Court or not to appear before the Court at all. Such conduct would obstruct and delay the trial proceedings, causing irreparable prejudice to the prosecution. Therefore, granting regular bail to the petitioner/accused at this stage is not justified. The petitioner/accused may intentionally evade the investigation and trial by remaining absent before the Court during the course of proceedings, thereby causing delay and obstruction in the recording of evidence and disposal of the case. In such circumstances, securing the presence of the accused during trial may become difficult. There is also a possibility that the accused may tamper with the evidence and obstruct a fair and impartial trial. For these reasons, the accused is not entitled to the grant of regular bail by this Hon'ble Court.

She further argued that, if released on bail, the accused may cause harassment and inconvenience to the complainant. The offences alleged against the accused are serious, grave, and non-bailable in nature. Therefore, the petitioner/accused is not entitled to bail at this stage. The act allegedly committed by the petitioner/accused constitutes a grave offence punishable with

imprisonment and fine. The case is still under investigation, and if the accused is released on bail at this stage, there is a likelihood that he may not appear before the Court and may obstruct the investigation. In the event of his non-appearance, there is a possibility that the case may be treated as a Long Pending Case (LPC). If the petitioner/accused is released on bail during the investigation stage, there is every likelihood that he may threaten, intimidate, or influence the material prosecution witnesses and prevent them from giving truthful evidence before the Court. There are sufficient prima facie materials and evidence available against the petitioner/accused indicating his involvement in the commission of the offence. If the petitioner/accused is released on bail at this stage, he may cause harassment to the complainant and his family members, threaten them with dire consequences, and may even commit further serious offences. Therefore, the petitioner/accused is not entitled to the grant of bail

12. The allegations against the petitioner and others are that they by forming unlawful assembly with the common object of committing murder, abducted the deceased, wrongfully confined him and he was taken to various places, brutally assaulted and committed the murder and thereafter, destroyed the dead body by

burning it to ashes and thereby causing disappearance of evidence. After carefully reviewing the records, it is prima facie evident that the offences alleged against the petitioner are of serious nature, including charges under Section 189(2), 191(2), 191(3), 127(2), 137(2), 118(1), 103(1), 238 R/w Sec.190 of The Bharathiya Nyana Sanhitha, 2023. The allegations made against the petitioner disclose the commission of grave and heinous offences, including abduction, wrongful confinement, brutal assault, and murder of a young person. The materials placed on record prima facie indicate that the deceased Varun was forcibly taken, wrongfully confined, and subjected to continuous assault by a group of accused persons, ultimately resulting in his death. Such offences, by their very nature, carry severe punishment and have a serious impact on society at large.

13. Further, the statement of eyewitness Sandeep, recorded during the course of investigation, clearly implicates the petitioner as part of the unlawful assembly involved in the assault and subsequent murder of the deceased and destruction of dead body by burning it to ashes. At this stage, the said statement constitutes strong prima facie material connecting the petitioner with the alleged crime. At this stage of the proceedings, the

specific role and individual attributable to each of the accused persons cannot be conclusively ascertained. The role attributed to the accused persons indicates collective participation, thereby attracting the principle of common object. It is also pertinent to note that the investigation is still at a crucial stage. As submitted by the learned Public Prosecutor, several aspects of the case are yet to be completed, including apprehension of absconding accused, recovery of weapons, mobile phones, and vehicles used in the commission of the offence, and collection of forensic reports from FSL/RFSL granting bail at this stage would hamper the ongoing investigation. Though the accused No.7 & 16 have been granted bail by the in-charge court, the petitioner cannot seek parity as a matter of right. The case diary and other relevant materials prima facie disclose specific overt acts against the present petitioner. At this stage, when the investigation material reveal a distinct role attributed to the petitioner, the benefit of parity cannot be extended merely on the ground that some co-accused have been granted bail by the in-charge court. Accordingly, the contention regarding parity is liable to be rejected.

14. Moreover, the prosecution has specifically alleged that the

accused persons have attempted to destroy evidence by burning the clothes of the deceased and themselves. This conduct prima facie indicates a deliberate attempt to screen the offence and tamper with evidence. In such circumstances, there exists a reasonable apprehension that, if released on bail, the petitioner may again indulge in similar acts and interfere with the investigation. The apprehension of the prosecution that the petitioner may threaten or influence material witnesses, particularly the injured witness Lohith and eyewitness Sandeep, also appears to be well-founded. Both witnesses are crucial to the prosecution case, and their safety and freedom to depose without fear must be ensured. The petitioner and the witnesses are stated to be the residents of nearby villages. Hence, there is a likelihood of such interference.

15. Moreover, the prosecution has specifically alleged that the accused persons have attempted to destroy evidence by burning the clothes of the deceased and themselves. This conduct prima facie indicates a deliberate attempt to screen the offence and tamper with evidence. In such circumstances, there exists a reasonable apprehension that, if released on bail, the petitioner may again indulge in similar acts and interfere with the

investigation. The apprehension of the prosecution that the petitioner may threaten or influence material witnesses, particularly the injured witness Lohith and eyewitness Sandeep, also appears to be well-founded. Both witnesses are crucial to the prosecution case, and their safety and freedom to depose without fear must be ensured. The petitioner and the witnesses are stated to be the residents of nearby villages. Hence, there is a likelihood of such interference. Based on these considerations, it is prudent to reject the bail application of accused at this stage. The alleged offences are punishable with death or imprisonment for life and exclusively triable by the court of sessions. Hence, considering the nature and gravity of the offence, specific overt acts against the petitioner and on account of the fact that investigation in the case still at the crucial stage and also in view of the fact that the apprehension of the learned P.P. that the petitioner may threaten the prosecution witnesses in general and the injured witness in particular cannot be ruled out, it is not a fit case to exercise the discretion in favor of petitioner. For the fore going reasons, I answer this point **as Negative..**

16. Point No.2:- In view of my findings on point No.1, I proceed to pass the following;

::O R D E R::

*The bail petition filed by the petitioner/accused
No.17 under Sec. 483 of B.N.S.S., is hereby rejected.*

*(Dictated to Stenographer directly on computer, taken out print, corrected
by me and then pronounced in the Open-Court on **23rd day of June, 2026**)*

(Doddegowda K.)
*III Additional District & Sessions
Judge, Hassan.*