

IN THE COURT OF I ADDL. DISTRICT & SESSIONS
& SPL JUDGE, AT: HASSAN

PRESENT

SMT. SHEILA B. M.

M.Com., LL.M,

**I Addl. District & Sessions &
Spl. Judge, Hassan.**

DATED THIS 9th DAY OF APRIL 2026

SPL. CASE .No.40/2026

Petitioner/Accused No.5:

Pavan C.L @ Chinni,
S/o Lokesh,
Aged about 23 years,
R/o Aralimara Colony,
Channapattana, H.N. Pura Road,
Hassan.

(By Sri.JBB, Advocate)

//Vs.//

Respondent

The State of Karnataka,
Hassan Town Police,
(Rep.by Spl. Public Prosecutor Hassan)

Victim

Kiran S/o Thirumalaiah,
Aged about 25 years,
R/o Hoovinahalli Village,
Kasaba Hobli, Hassan Taluk,
Hassan.

ORDER ON BAIL PETITION U/SEC.483 of B.N.S.S

This is an application has been filed by the accused no.5 under section 483 of B.N.S.S to release him on bail for the offence punishable under section 103(1), 238, 61(2), 249, 189(2), 189(4), 304(2) r/w section 190 of BNS and under section 3(2)(v) of SC / ST Act.

2. It is stated that the Police have already filed charge sheet against the accused no.5. It is stated that there is no eye witness for commission of any offences alleged against the accused and false case has been registered against him. The accused no.1 in his voluntary statement has not stated the involvement of the accused no.5 in commission of alleged offences ; that the Investigation Officer has not seized any material objects from him ; that IO has not produced any materials that the accused no.5 went out from spot ; that he is studying in YDD College, Beluru and he is brother of accused no.4, hence he was wrongly implicated in this case ; that he is residing with his parents at Channapattana and his mother is suffering from ill health, and no one is there to look after her mother ; that he does not have any criminal background ; that he is coming from a reputed family in the society ; that he is permanent resident of address shown in the cause title ; If he is not released on bail he will be put to greater hardship.

He is ready to abide by any conditions imposed by this Court. Hence, prays to release him.

3. Learned Spl. Public Prosecutor has filed objection to bail petitions contending that bail petition is not tenable under law. He has reiterated contents of complaint, FIR and charge sheet materials. The evidence collected by IO through charge sheet materials has reasons to believe that this accused has committed the offence. The offences alleged are serious in nature. If he is released on bail, he may tamper prosecution witnesses, destroy prosecution evidence or abscond from jurisdiction of this court. There are no valid grounds to grant bail to this accused. Hence, prayed for dismissal of bail petition.

4. Heard the arguments.

5. The following points arise for my consideration;

- 1) **Whether petitioner/accused No.5 has made out valid grounds for grant of bail order under section 483 of B.N.S.S. in this case?**
- 2) **What order ?**

6. My answer to above points are as under;

Point No.1:- In Negative

**Point No.1:- As per final order
for following;**

:REASONS:

7. **POINT NO.1:-** I have carefully gone through contents of bail petition, objection, charge sheet materials and other records. The complaint is lodged before Hassan Town Police and the case is transferred to the Dy.S.P., Civil Rights Enforcement Directorate, Hassan. The Dy.S.P., has filed charge sheet against the accused no.1 to 9 for the offences punishable under Section 103(1), 238, 61(2), 249, 189(2), 189(4), 304(2) r/w section 190 of BNS and under section 3(2)(v) of SC / ST Act.

8. The brief facts of prosecution case is that deceased Keerthi belongs to Schedule caste and the said fact is known to the accused persons. The accused no.1 to 6 and deceased Keerthi were acquainted.

On 07.12.2025 at 4.30 p.m CW6 has organized his brother's son naming ceremony at Puradamma temple. CW5, CW7, CW9, accused no.1 and deceased Keerthi attended the function. There some small quarrel took place between the accused and deceased Keerthi. On the same day at 10.30 p.m near Tea-shop, at Hassan New bus stand quarrel took place between CW7 and CW9. At that time the accused no.1 and CW5 came and pacified the quarrel.

Thereafter on 08.12.2025 at 2.00 to 2.30 p.m CW5 to CW7 went to the Nisarga Peg Bar situated near Channapattana Circle for compromise in respect of quarrel which took place on 07.12.2025 at Tea-canteen. There CW9 and deceased Keerthi were present. Accused no.1 to 3 came there in Auto bearing No.KA-06-AA-7509. Accused no.1 quarreled with deceased Keerthi. Deceased Keerthi slapped accused no.1. The accused no.1 informed the same to accused no.4 through phone call and asked to bring accused no.5 and 6 along with him near Manjunatha Bar. The accused no.4 to 6 came in Auto bearing No.KA-13-D-8072.

Thereafter accused no.1 to 3 and CW5 to CW7 and CW9 went out from Nisarga bar. The accused no.1 to 3 abused deceased Keerthi, assaulted him by hands and brought him near Manjunatha Bar. The accused no.1 to 6 assaulted deceased Keerthi and stated it is public place and took him with them when leaving the spot. The accused no.1 and 4 were sitting on the back seat of the auto with deceased Keerthi in middle while accused No.6 was driving the auto No.KA-13-D-8072. The accused no.2, 3 and 5 followed them in another auto bearing No.KA-06-AA-7509 and went to wasteland situated beside Bypass road. The accused no.1 to 6 stopped the auto there and abused deceased Keerthi and assaulted him. In turn

deceased Keerthi stated that they assaulted him as he is alone and told he will call rowdies to assault them. At that time the Accused no.1 to 6 formed an unlawful assembly with common object of killing Keerthi stating that if he is left alive, he will finish them. The accused no.1 to 6 conspired to commit the murder of the deceased Keerthi and assaulted him. While the accused no.1 to 6 were abusing and assaulted him CW3 owner of Auto bearing No.KA-13-D-8072 who had rented the said auto to Accused No.2 came to the spot and questioned them as to why they were assaulting Keerthi and intervened to pacify the quarrel. Thereafter, CW3 demanded return of his auto as accused No.2 had not paid the rental collections and attempted to take back the said auto. All the accused requested CW3 to drop them near Navil Spot. Accordingly accused no.4 and 6 and deceased Keerthi seated in the middle of the seat passed from the Bypass road on to the service road on the left, near Jain temple. CW.3 asked them to alight from the auto as he has to leave. The accused no.1 to 3 and 6 followed them in another auto no.KA-06-AA-7509 and took deceased Keerthi to the wasteland in Sy.No.51 behind the Pavanaputhra Chicken Farm and abused him in filthy language, assaulted him by hands. At that time the deceased Keerthi attempted to make a phone call stating that he would not spare them. The Accused No.1 snatched

his mobile phone, caught hold of his shirt assaulted him and he fell down on the ground. At that time the accused no.3 uprooted a stone pillar fixed in the land. Accused No. 4 broke the said stone into two pieces. Accused No.2 then took one of the stone pieces and forcefully threw it twice onto the chest of the deceased Keerthi. Thereafter, Accused No.1 took the same stone and assaulted deceased on his chest, causing grievous bleeding injuries and thereby committed his murder at about 4:00 PM. In order to destroy the evidence the accused no.1, 3 and 4 took the blood stained stone and threw it into a nearby shrub. Thereafter the accused no.1 came to the murder spot and took a selfie with a dead body on his mobile and forwarded to the accused No.7, 8 and CW.38. Subsequently, the video was circulated on the social media. The accused no.9 harbored and assisted accused no.2, 3, 4 and 6 providing them with the meals to abscond from legal proceedings.

9. On perusal of the materials on record it discloses that the accused no.5 had been arrested on 11.12.2025, interrogated and produced before the jurisdictional court on 12-12-2025 and thereafter he has been remanded to JC.

10. The counsel for the accused submitted that the charges levelled against the accused no.5 is far from truth.

The accused has aged mother who is suffering from ill-health and he has to look after her. He is a student studying in YDD college Belur. He and his brother accused No.4 has been wrongly implicated in this case. He does not have any criminal background.

11. The counsel for accused No.5 argued that Prosecution papers would indicate that accused No.5 had assaulted deceased Keerthi near the bar and Bypass road. It is argued that accused No.5 has not conspired nor has participated in the commission of the murder.

12. The accused has not produced any documents to show that he is a student. On the other hand, only his transfer certificate has been produced.

13. In support of the said contention the counsel for the accused No.5 has relied upon the following decisions in ***2022 CrI. R 1 (Kar), Criminal Appeal No.100177/2021 Manjunatha V/s State of Karnataka wherein our Hon'ble High Court of Karnataka*** has held

Crime case registered for offences punishable under sections 302, 364, 342, 109, 120(B), 328, 504, 506 read with 34 of IPC and Sections 3(2)(v), 3(1)(r), 3(1)(s), 3(2)(va) of SC /

ST (POA) Act, 1989 – Charge sheet has been filed and appellant / accused is not required for any custodial interrogation – He is not having criminal antecedents – There are valid grounds for setting aside impugned order and granting bail to appellant / accused subject to terms and conditions.

14. In 2022 Cr. R 39 (Kant), Criminal Appeal NO.100276/2021 Shambulinga and others V/s State of Karnataka and others wherein our Hon'ble High Court of Karnataka has held

439 – Bail - Crime case registered for offences punishable under sections 302 and 201 read with section 34 of IPC and Sections 3(2)(v) and 3(2)(va) of SC / ST PA Act, 1989 – Motive for offence is monetary transaction that has taken place between accused no.1 and deceased – There are no eye witnesses to incident – Since case of prosecution is based on circumstantial evidence, prosecution has to prove each of circumstances during trial – Deceased was involved in criminal cases – As charge sheet is filed, appellants are not required for any custodial interrogation – Bail granted.

15. In **2022 CrI. R. 835 (Kant), Criminal Appeal No.100146/2021 Sharanappa V/s State of Karnataka and others wherein our Hon'ble High Court of Karnataka** has held

There are no eye witness to incident and case of prosecution is based on circumstantial evidence - Prosecution has to prove its case beyond reasonable doubt Appellant accused no.1 is in judicial custody since 09.05.2020 – There are no criminal antecedents of appellant – accused no.1 -Special Court without considering all these aspects has passed impugned order rejecting bail application of appellant – accused no.1- Bail granted against conditions.

16. In **2023 Cr.R. 230 (Kant.), Criminal Appeal No.100374/2022 Maruthi and Others V/s State of Karnataka** and another wherein our Hon'ble High Court of Karnataka has held

Appellants are also entitled for grant of bail on ground of parity-Main apprehension of prosecution is that if appellants are granted bail, they will threaten complainant and other

prosecution witnesses can be met with by imposing stringent conditions-There are valid grounds for setting aside impugned order and to grant bail to appellants/accused- Bail granted.

17. In **2023 Cr.R. 75 (Kant.), Criminal Petition No.103087/2022 Manjunath and others V/s State of Karnataka** and another wherein our Hon'ble High Court of Karnataka has held

Charge-sheet is filed and petitioners are not required for custodial interrogation-Main objection of prosecution is that if petitioners are granted bail, there are chances of they threatening complainant and other prosecution witnesses-Such objection can be met with by imposing stringent conditions-There are valid grounds for granting bail subject to certain terms and conditions-Bail granted.

18. In **2019 Cr.R. 884 (Kant.), Criminal Petition No.101723/2019 Davood Nadaf and Others V/s State of Karnataka** and another wherein our Hon'ble High Court of Karnataka has held

Bail-Rioting-Murder- Common object-Co-Accused Nos. 3, 4 have already been released on

bail by imposing suitable conditions-Materials which is collected by investigating officer during course of investigation to lay charge sheet are enough materials-But materials not enough to decline relief of bail-Overt act alleged against each of accused shall be tested during trial by trial Court in order to establish guilt against each accused-These accused were also facing trial with co-accused Nos. 3, 4 Bail granted subject to some conditions.

In the above decisions, on the ground of parity bail has been granted

19. The counsel for accused No.5 has relied upon another decision reported in **2017 Cr.R. 969 (Kant.), Criminal Petition No.3296/2017 Rajesha G. @ Raji and Others V/s State of Karnataka** and another wherein our Hon'ble High Court of Karnataka has held

Voluntary statement of accused no. 2 would not attribute any overt acts of petitioners for incident of murder-On ground of parity, petitioners would be enlarged on bail Since present petitioners would also stand on same

footing. petitioners are also entitled for relief of bail-Bail granted.

The principles laid down in the said decisions are taken note. The above decisions are not applicable as accused who are alleged for the offence U/s 103 has not been enlarged on bail in this case.

20. The Post mortem report discloses that the death is due to blunt, chest injury sustained. It also discloses that the deceased has sustained 17 external injuries. The opinion of the Doctor discloses that it is possible to sustain such chest injuries mentioned in the PM report with the weapon examined (rock) and such injuries can lead to death.

21. The statement under section 183 of BNSS of Suchith who is cited as CW3 discloses that he is owner of the auto bearing KA-13-D-8072 that he had given the Auto to Charan on rent. The said Charan for last one week had not paid the rent properly and when he contacted Charan, he told him to come near Midhan District Court, Channapattana Colony. When he went there he found his auto and the auto of one R.C.Chandu stationed. Ullas, Charan, Theertha, R.C.Chandu and Bekary Chandu were all assaulting Keerthi and he rescued Keerthi. He told Charan to pay rent regularly and he took his auto. At that

time Theertha told that he would come with him along with him Bakery Chandu and Keerthi also came. He dropped them near Jain temple and returned to his home. In another vehicle R.C.Chandu, Charan, Pavan and Ullas had followed his auto.

The statement of CW3 discloses that accused no.1 to 6 were last seen together with the deceased.

22. The voluntary statement of accused No.5 Pavan and Bakery Chandu accused No.6 after crime discloses that Pavan walked ahead and went on the road in front of S.A. Enterprises. Then Bakery Chandu and Theertha came in auto shortly after they arrived, Ullas, Charan and R.C.Chandu walked and came near the main road.

23. As per the list of property no.138/2025 dated 9.12.2025 CCTV footage has been retrieved in Pen-drive from S.A. Enterprises, Bypass road, Hassan. The said Pen-drive has been sent to FSL and has not been received back from FSL at the time of filing the charge sheet. The I.O. copy of Pen-drive was seen and it discloses that accused No.5 Pavan had walked ahead in front of S.A. Enterprises. Then Ullas, Charan and R.C. Chandu had walked. An Auto Rickshaw is also seen in the footage. It is stated Bakery Chandu was a driver and Theertha are in the said auto which is not clearly visible.

This indicates that accused Nos.1 to 6 have prima-facie participated in the commission of the crime.

24. From the mahazar dated 11.12.2025 it is seen that accused No.5 has produced T-shirt and blue jeans pant from his house. The said T-shirt and blue jeans pant have been sent to FSL.

25. The case appears to be based on circumstantial evidence. From the material available on record there is prima-facie case to believe that the accused no.5 has committed the offence. The offences alleged U/s 103(1) of BNSS is punishable with imprisonment for life or death and fine. Mere filing of the charge sheet is itself is not a ground to grant regular bail to this accused for the reasons stated above. If this accused is enlarged on bail, he may abscond and there is every chance of tampering prosecution witnesses. Deceased is a member of scheduled caste. The accused No.5 has not made out valid and satisfactory grounds to grant regular bail to him. This court is not exercising discretion to grant regular bail to this accused in view of seriousness of crime, gravity of offence and possibility of tampering prosecution witnesses. Hence, I am of the view that the accused no.5 is

not entitled for bail. Accordingly, I answer point No.1 in negative.

26. **POINT NO.2:-** In result, I proceed to pass following;

ORDER

The bail application filed by the accused
no.5 under section 483 of BNSS., is hereby
dismissed.

(Dictated to Stenographer, transcript corrected and signed and then
pronounced by me in open court on 9th day of April 2026.)

09.04.2026

(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS &
SPL. JUDGE, HASSAN.