

KAHS010016322025



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

**PRESENT: Sri. Ananda, B.A.L., LL.B., LL.M.
III Addl. District & Sessions Judge,
Hassan.**

Dated this 13th day of June, 2025

:SC/41/2025:

Complainant :

State by:

Aluru Police Station

(By Public Prosecutor)

V/s

Accused :

Jagadeesha S/o Rajegowda,
Aged about 46 years,
R/o Adibailu Village,
K. Hosakote,
Alur Taluk,
Hassan District.

**:ORDER ON BAIL APPLICATION FILED BY THE ACCUSED
U/Sec.483 of BNSS:**

This application is under Sec.483 of Bharathiya Nagarika Suraksha Sanhita, 2023, filed on behalf of the accused in S.C No.41/2025 of Alur P.S. in Crime No.178/2024 for the reasons

stated therein in connection with offences punishable under Sections U/Secs.109, 352 of the Bharathiya Nyaya Sanhita in the interest of justice.

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

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

4. The points that arise for my consideration are:

1. Whether the Accused is entitled for bail as prayed in the application filed under Sec.483 of BNSS?

2. What order?

5. 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;

::REASONS::

6. Point No.1:- The case of the prosecution, in brief, is that about 20 years ago, the complainant was married to one Jagadeesha, and pursuant to the said marriage, they led a cordial matrimonial life for several years. However, in recent times, the

accused, Jagadeesha, began subjecting the complainant to physical and mental harassment. He would frequently abuse her in foul language, assault her, forcefully ask her to leave the house, and repeatedly issue threats, including threats to kill her. It is alleged that on 14-11-2024 at about 1:30 p.m., when the complainant had come inside the house to have her meals, the accused questioned her presence and threatened to kill her. Thereafter, with the intention of committing her murder, he took a towel that was lying in the house, wrapped it around her neck, and attempted to strangle her by pressing and holding her forcefully. The complainant, however, managed to escape from his clutches and immediately rushed to the jurisdictional police station, where she lodged a complaint narrating the incident. Based on her complaint, a formal case was registered in Crime No.178/2024, and after completion of investigation, a charge sheet came to be filed against the accused for the offences as stated supra.

7. The counsel for the Accused while addressing his arguments contends that in the instant case, the complainant police have already submitted charge sheet against the accused.

As stated by the complainant, the accused has not committed any offences and a false case has been registered against him. Since 14-11-2024 the accused is in judicial custody. The accused is a law-abiding citizen and he is the permanent resident of the address as mentioned in the cause title having his own movable and immovable properties. If at all he is enlarged on bail there are no any chances of absconding and the said accused is leading his life by doing coolie. Due to his prolonged detention in custody, there are chances of him becoming both physically and mentally weak. Due to release of accused, he would undertake that he would not cause any undue influence and any obstruction for trial. He is not having any criminal antecedents and he has not been fixed in any of the criminal case till this day. He is law abiding citizen. The instant accused is having age old father, mother and nurturing them has become very difficult. If at all he is not enlarged on bail it may create circumstances of their family members being thrown on to streets. The family of the accused are leading their life by doing coolie. Due to the accused detained in judicial custody, their family are facing financial difficulty. Hence, for the forgoing reasons sought to enlarge him on bail.

8. On the contrary, the learned Public Prosecutor vehemently argued for the rejection of the bail application filed by the accused by contending that a case has been registered against him in Alur Police Station Crime No.178/2024 for the offences punishable U/Sec.352, 109 of BNS. By summarising the prosecution case, she has contended further that, after going through the FIR and complaint, prima-facie it appears that there are evidence which are helpful to the prosecution to prove the case, and if at all he is enlarged on bail he may destroy the evidence and may attract the evidence towards his side by causing an undue influence, due to which, it may cause loss to the prosecution. The offences alleged against the accused is punishable with 10 years imprisonment and fine and the instant case is in the stage of trial and if at all he is enlarged on bail he may not appear for investigation due to which it may cause obstruction for trial and disposal of the case. He may also threaten the prosecution witness and may prevent from revealing true facts before the Court. There is sufficient evidence against the accused for commission of the offence and due to his absence for trial, it may lead to LPR. If at all he is enlarged on bail he may threaten the prosecution witnesses and

may prevent the witnesses from revealing the truth. On these and amongst other grounds, the learned Public Prosecutor has opposed the grant of bail and has prayed for dismissal of the bail application.

9. The discussion in this case focuses solely on the bail application without addressing the merits and demerits of the case itself. This is the first round of bail application filed by the accused after committal of the above case for trial. The offences alleged against the accused are punishable under Sections 109 and 352 of the Bharathiya Nyaya Sanhita, which, though serious in nature, are not punishable with death or life imprisonment. The allegations made against the accused do not involve grave and heinous offences. The accused has been in judicial custody for an extended period of 14.11.2024. It is not in dispute that the investigation has been completed and charge sheet has already been filed in Crime No.178/2024 of Alur Police Station. Hence, the apprehension of the accused tampering with the evidence or hampering investigation is very less at this stage. The accused is not required for further investigation. Prolonged detention, in this case, does not serve any investigative purpose. The prosecution

has not noted any prior criminal record of the accused, and he has not been involved in any other criminal activities. Hence, releasing the accused on bail, without expressing any opinion on the merits of the case, upholds the principles of justice and the presumption of innocence. It prevents the possibility of undue hardship caused by prolonged detention to an uncertain period. Furthermore, the accused has been in judicial custody for a significant period of 7 months and is no longer required for further interrogation by the respondent police, indicating that the investigative process is largely complete. Considering the principle of justice and the need for a fair trial, it is appropriate to grant bail to the accused, subject to stringent conditions. This ensures the accused's presence during the trial proceedings. The bail application is supported by the accused's undertaking to abide by all the conditions imposed by the court and to cooperate fully with the trial proceedings. On the strength of the above discussion, this court holds that the accused has made out grounds for grant of the bail. Accordingly, Point No. 1 is answered in the **affirmative**.

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

ORDER

The application under Sec. 483 of the BNSS filed by the accused is allowed.

The Accused is ordered to release on bail in S.C No.41/2025 for the offence punishable u/s 109, 352 of BNS on executing his personal bond for Rs.1,00,000/- with one surety for like sum to the satisfaction of this Court on the following conditions: -

- 1. Accused shall not contact or influence witnesses in any manner, directly or indirectly, to ensure fair and unbiased testimony.*
- 2. Accused shall not engage in any criminal activities while on bail.*
- 3. Accused shall not leave the jurisdiction of this court without prior written permission.*
- 4. Accused shall appear before this Court regularly as and when called for, failing which, the prosecution is at liberty to move application for cancellation of bail.*

5. *Accused shall furnish the attested copy of the Adhaar card.*

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court, on this the 13th day of June, 2025)

(Sri. Ananda)
*III Additional District & Sessions
Judge, Hassan*