

KAHS010038822026



Presented on : 20-05-2026
Registered on : 20-05-2026
Decided on : 23-06-2026
Duration : 1 month 3 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./532/2026:

Applicants/Accused : 11. Ganagadhara @ Manu

@ Hebbuli Manu S/o Late Dinesh,
Aged about 27 years,
R/o House of Pruthvi,
Beside Kenchappa Temple,
Gandasi town.
Permanent R/o
Mahadevarahalli village,
Gandasi Hobli, Arasikere Taluk,
Hassan district.

(By Sri. S.H.R., Advocate)

V/s

Respondent : State by:
Dudda Police Station,

(Rep. by Public Prosecutor)

ORDER ON BAIL APPLICATION FILED BY THE ACCUSED
No.11 U/Sec.483 of B.N.S.S

This application is under Section 483 of B.N.S. filed by the petitioner/accused No.11 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 counsel for the petitioner has relied upon the following decisions in support of their contentions.

1. *Criminal Appeal No.2195/2025 between Mihir Rajesh Shah V/s State of Maharashtra and another.*

2. *Criminal Appeal No. of 2025 (Arising out of special leave petition (Crl.) No.13320 of 2025 between Vihan Kumar V/s State of Haryana and another.*
3. *Shri D.K. Basu, Ashok K. Johri V/s State of West Bngal, State of U.P. decided on 18 December 1996.*
4. *Pankaj Kumar V/s The union of India decided on 13 November 2025.*
5. *Tinku Das V/s The State of Assan decided on 20 November 2025.*
6. *S. Seikholun Vaiphei and Nar and another V/s The State of Assam decided on 17 December 2025.*
7. *Faysur Hussain @ Faysur Rahman V/s The State of Assam, decided on 5 May 2025.*
8. *Writ petition No.54/2025 between Hanumant Jagganath Nazirkar V/s The state of Maharashtra*

5. This court has carefully perused the decisions relied upon by the learned counsel for the petitioner and also taken into

consideration the principles and views laid down in the aforesaid judgment while examining the matter on hand.

6. The points that arise for my consideration are:

1. *Whether the petitioner/Accused No.11 is entitled for regular bail as prayed in the application filed under U/s.483 of Bharathiya Nyaya Sanhita, 2023?*
2. *What order?*

7. 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::

8. Point No.1:- The case of the prosecution 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.

9. 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.

10. 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 Chandenhalli, 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.

11. 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.

12. The learned counsel for Accused No.11, while advancing her arguments, contends that in the above-mentioned case, the complainant police have registered a case in their station Crime No. 35/2026 under Sections 189(2), 191(2), 191(3), 127(2), 137(2),

118(1), 103(1), 238 R/w Sec.190 of the Bharathiya Nyaya Sanhita. On 23/03/2026, the complainant police arrested the accused. At present, the petitioner is in judicial custody, and the case is under the stage of investigation. At the time of arresting the petitioner in the above case, the complainant police did not comply with the provisions of Section 36 of the BNSS and Article 22(2) of the Constitution of India. Further, the guidelines laid down by the Hon'ble Supreme Court regarding arrest procedures were not followed, resulting in violations. The complainant police, while arresting the petitioner, violated the due process of law and infringed upon the fundamental rights of the petitioner.

He further argued that at the time of arresting Accused No. 7, the complainant police violated the prescribed legal procedures and guidelines. Consequently, the Hon'ble III Additional District and Sessions Judge's Court at Hassan, in Crl. Misc. No. 383/2026, was pleased to grant bail to Accused No. 7. In connection with the present case, the complainant police took the petitioner into police custody on 23.03.2026 and conducted the investigation. The petitioner fully cooperated with the investigation, and thereafter the complainant police produced him before the jurisdictional court and remanded him to judicial

custody. The petitioner has not committed any offence in the manner alleged by the prosecution. The petitioner is an innocent person and a permanent resident of the village mentioned above. He earns his livelihood by doing daily wage work and had come to Hassan District for the purpose of employment. He possesses both movable and immovable properties at the address stated in the cause title and is residing peacefully with his parents. The petitioner has no connection whatsoever with the alleged offence complained of by the complainant. He has not committed any illegal act or offence as alleged by the complainant police.

He further argued that the petitioner is the sole earning member of his family. His wife is pursuing her studies at Tumakuru, and the responsibility of taking care of his aged mother also rests upon him. Upon a careful and thorough examination of the facts and circumstances of the case, the allegations made against the petitioner appear to be false and baseless on the face of the record. The petitioner has not committed any unlawful act as alleged in the complaint. The petitioner is a law-abiding citizen who has great respect for the rule of law and the administration of justice. He is the main support of his family and bears the responsibility of maintaining

and caring for his parents and other family members. If bail is denied, his family is likely to suffer severe hardship and may be left without financial support. The petitioner is a permanent resident of the address mentioned in the cause title and owns sufficient movable and immovable properties therein. He undertakes to abide by any conditions that may be imposed by this Hon'ble Court. He further undertakes to appear before this Hon'ble Court on every hearing date without fail, furnish adequate sureties as directed by the Court, and strictly comply with all terms and conditions that may be imposed while granting bail. Therefore, the counsel prays for the release of Accused No.11 on regular bail.

13. The learned Public Prosecutor (P.P.), while advancing her arguments, contends that the bail application filed by the accused No.11 is not maintainable. The case is registered against the petitioner/ accused No.11 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 respondent/prosecution submits that the present bail petition is

liable to be rejected. The applicant had earlier filed a bail petition in Criminal Miscellaneous No. 304/2026, which was dismissed by the Hon'ble Court. Since no new grounds have been urged in the present petition, the application deserves to be rejected. The contention of the applicant that the provisions of Section 36 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) and Article 22(2) of the Constitution of India were not complied with at the time of his arrest is incorrect. The complainant police have complied with all the mandatory legal requirements, and relevant records have been produced in support thereof.

She further argued that on 23.03.2026 at about 1:15 PM, the PSI of Dudda Police Station, while searching for the accused persons, produced Accused No. 11, namely Gangadhara @ Manu, son of Late Dinesh, before the Investigating Officer at the police station along with a report stating that he had been apprehended at about 12:30 PM near the bus stand at Arsikere. During interrogation, the accused allegedly admitted his involvement in the offence. Thereafter, he was formally arrested in accordance with law, thoroughly interrogated, and his voluntary statement was recorded. Information regarding his arrest was communicated to his wife, Kavya, through her mobile number 7975658998.

Further, the fact of the arrest was conveyed to Kavya by ASI Devaraju through his mobile number 9449213360.

She further argued that during the course of investigation, it was revealed that Accused No. 11, Gangadhara @ Manu @ Hebbuli Manu, was a friend of the deceased Varun and the injured Lohith. It is alleged that he, along with Accused No. 1 Shashank and other accused persons, conspired on 10.03.2026 and took the deceased Varun and the injured Lohith on motorcycles near a lake situated close to Gandasi village and handed them over to Shashank and the other accused. Thereafter, the accused persons allegedly assaulted Varun and Lohith with deadly weapons, abducted them, wrongfully confined them at various locations, and subjected them to assault. It is further alleged that between 2:30 AM and 3:00 AM on 12.03.2026, the accused persons murdered Varun and subsequently transported his body to Handimalti Hill near Sri Jenukal Siddeshwara Betta, Arsikere, where they allegedly burnt the body in order to destroy evidence. The investigation is still in progress. Certain accused persons are absconding and are yet to be apprehended. The weapons, mobile phones, and vehicles used in the commission of the offence are yet to be recovered from the absconding accused. Other seized properties have been sent to the

FSL and RFSL laboratories, and the reports are awaited. It has also emerged during investigation that Accused Shashank, along with the other accused, allegedly destroyed evidence by burning the clothes of the deceased Varun as well as the clothes of the accused persons. Certain documents relevant to the case are yet to be collected.

She further argued that the applicant is a young person, and if released on bail, there is every possibility of his absconding permanently. There is also a likelihood that he may threaten the injured witness and the family members of the deceased and tamper with the prosecution evidence. If the necessity arises during the course of investigation, the accused may also be required to be taken into police custody for further investigation. The accused Gangadhara @ Manu, the injured witness Lohith, and witness Sandeep belong to neighbouring villages. If the accused is released on bail, there is a possibility of disturbance to public peace and order in the locality. The applicant is presently in judicial custody, and the investigation is still at a crucial stage. Therefore, he is not entitled to bail at this stage. The accused is required for the purposes of investigation, and if regular bail is granted, he may not cooperate with the investigation and may

abscond, thereby obstructing the investigative process. Hence, the regular bail application filed by the applicant is not maintainable in law and deserves to be dismissed.

She further argued that the prosecution further submits that the applicant is politically influential and possesses financial strength and public support. If released on regular bail, he may induce witnesses with monetary benefits, influence them not to depose truthfully before the Court, or prevent them from attending Court proceedings. Such conduct would cause delay and obstruction in the trial and result in irreparable prejudice to the prosecution. There is also a possibility that the applicant may deliberately remain absent during the trial with the intention of evading the criminal proceedings against him. Such conduct would delay the examination of witnesses and the disposal of the case. The presence of the accused during the trial cannot be assured, and there is a possibility that he may tamper with evidence and obstruct a fair trial. If released on bail, the accused may cause harassment to the complainant. The offences alleged against him are grave, serious, and non-bailable in nature, and therefore he is not entitled to bail at this stage.

She further argued that the offences alleged against the applicant are punishable with severe sentences, including imprisonment and fine. Since the matter is still under investigation, there is every possibility that, if released on bail, the accused may not appear before the Court and may obstruct the investigation. There is also a likelihood that the proceedings may be adversely affected due to his absence. Further, if released on bail during the investigation stage, the accused may intimidate or threaten the material witnesses and influence them not to depose truthfully before the Court. The prosecution submits that sufficient prima facie material and evidence are available against the accused regarding his involvement in the offence. If released on bail, there is a likelihood that he may threaten the complainant's family members, commit further offences of a similar or more serious nature, and otherwise interfere with the course of justice. Therefore, on these and among other grounds, the learned P.P. fervently prays for the rejection of the bail application filed by Petitioner/Accused No.11.

14. 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.

15. 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 incharge 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.

16. 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.

17. With regard to the contention of the learned counsel for the petitioner that there is non-compliance of the mandatory provisions relating to arrest and production before the Court, this Court has carefully perused the certified copy of the order sheet and the records made available. It is true that the remand

application in respect of Accused was filed by the complainant police and the accused was produced before the Court on the same day. The records clearly indicate that the complainant police had moved an application seeking remand of accused within the statutory period prescribed under law. Hence, the contention of the petitioner in this regard is not tenable. Insofar as the contention regarding non-compliance of Section 36 of the Bharathiya Nagarika Suraksha Sanhita and alleged violation of Article 22(2) of the Constitution of India is concerned, upon perusal of the case records, this Court finds that the complainant police have obtained the signature of Accused on the arrest guidelines, which indicate compliance with the procedural safeguards contemplated under law. Therefore, at this stage, the said contention does not prima facie establish any illegality in the arrest or remand of the accused.

18. Insofar as the contention regarding non-obtaining of counter-signature of the person informed about the arrest is concerned, it is to be noted that the law requires that the factum of arrest and intimation thereof to a relative or friend be duly recorded. However, there is no mandatory provision that such person must invariably affix a counter-signature in all cases. If the

records disclose that the arrest intimation has been made and the same is duly reflected in the arrest memo or case records, the requirement of law can be said to be substantially complied with. Non-obtaining of counter-signature, by itself, does not render the arrest illegal nor does it constitute a ground to enlarge the accused on bail, particularly in cases involving serious offences and when prima facie materials exist against the accused. It is well settled that alleged procedural irregularities in arrest or remand, unless they go to the root of the case and cause substantial prejudice, cannot be a sole ground for granting bail in cases involving grave offences. In the present case, no such material is placed before the Court to show that the petitioner has suffered any prejudice affecting his fundamental rights so as to entitle him for bail on that ground alone. Based on these considerations, it is prudent to reject the bail application of accused at this stage. Hence, 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.**

19. Point No.11:- 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.11 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.*