

KAHS010040562026



Presented on : 02-06-2026
Registered on : 02-06-2026
Decided on : 22-06-2026
Duration : 20 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 22nd day of June, 2026

:Crl. Misc./576/2026:

Applicants/Accused : 6. Chethan H.S. @ Chethan @ Jijji,
S/o Suresh,
Aged about 24 years,
R/o Anthariksha Nagara badavane,
Dasarakoppalu, Kasaba Hobli,
Hassan Taluk & 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.6 U/Sec.483 of B.N.S.S**

This application is under Section 483 of B.N.S. filed by the petitioner/accused No.6 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.6 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.6, while advancing her arguments, contends that in the above-mentioned case, the complainant police have registered Crime No. 35/2026 for the offences punishable under Sections 189(2), 191(2), 191(3), 127(2), 137(2), 118(1), 103(1), and 238 read with Section 190 of the Bharatiya Nyaya Sanhita (BNS). The complainant police arrested the petitioner, who is Accused No. 6, on 22.03.2026. The petitioner is presently in judicial custody, and the case is still under investigation. At the time of arresting the petitioner in the above case, the complainant police failed to comply with Section 36 of the Bharatiya Nyaya Sanhita and the guidelines laid down by the Hon'ble Supreme Court regarding the arrest of accused persons. The police violated the prescribed legal procedures while

arresting the petitioner and thereby infringed his fundamental rights. The accused Nos. 7 and 16 in the same case have already been granted bail by the Hon'ble Court in Criminal Miscellaneous No. 383/2026. Pursuant to the said order, Accused Nos. 7 and 16 have been released on bail.

It is further asserted that the complainant police took the petitioner into police custody from 22.03.2026 and conducted the necessary investigation. The petitioner fully cooperated with the investigation, and thereafter the police produced him before the Court and he was remanded to judicial custody. The petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He is a permanent resident of the village mentioned above and earns his livelihood through coolie work. The petitioner owns both movable and immovable properties at the address stated in the cause title and is leading a peaceful life with his parents. He has no connection whatsoever with the alleged offence complained of by the prosecution. He has not committed any offence in the manner alleged by the complainant police. A careful examination of the facts and circumstances of the case would reveal that the allegations made against the petitioner are prima facie false. The petitioner has not committed

any unlawful act as alleged in the complaint.

It is further asserted that the petitioner is a law-abiding citizen and is the sole breadwinner of his family. He is responsible for maintaining and supporting his parents and other family members. In the event bail is refused, his family would be subjected to severe hardship and financial distress. The petitioner is a permanent resident of the address mentioned in the cause title and possesses sufficient movable and immovable properties. He undertakes to abide by any conditions that may be imposed by this Hon'ble Court. He further undertakes to appear before the Court on every hearing date without fail, furnish adequate sureties, and strictly comply with all conditions imposed by the Court. The petitioner respectfully seeks permission from this Court to urge additional grounds and produce further documents, if necessary, at the time of arguments. The petitioner submits that he has neither previously nor presently filed any bail application before any Court in respect of this case. This is the first bail application filed by him before this Court. He further states that no bail application has been filed by him before the High Court of Karnataka or any other Court. The petitioner also affirms that he has never been involved in any criminal case prior

to the present case and has no criminal antecedents. Therefore, the counsel prays for the release of accused No.6 on regular bail.

11. The learned Public Prosecutor (P.P.), while advancing her arguments, contends that the bail application filed by the accused No.6 is not maintainable. The case is registered against the petitioner/ accused No.6 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 the case is still under investigation. The absconding accused, namely Kiran, is yet to be apprehended. Statements of certain remaining witnesses are yet to be recorded. The weapons, mobile phones, and vehicles allegedly used in the commission of the offence by the absconding accused are yet to be recovered and seized. During the course of investigation, certain material objects seized in the case have been sent to the Forensic Science Laboratory (FSL), and some reports are still awaited. The seized mobile phones and pen drives have also been forwarded to the FSL for examination, and the corresponding reports are yet to be received. Certain relevant documents pertaining to the case are also yet to be collected. The accused is a young person, and if

released on bail, there is a likelihood that he may abscond permanently. There is also a reasonable apprehension that, if released on bail, he may threaten the injured witnesses and the family members of the deceased and thereby tamper with the prosecution evidence. Grant of bail to the accused may further facilitate the absconding accused Kiran in continuing to evade arrest.

She further contends that during the investigation, blood-stained articles recovered from the place where the deceased Varun was assaulted were seized. A blood sample of the deceased's mother, Smt. Kalavathi, was collected and sent for DNA analysis. As per the FSL report, the DNA profile of the blood sample matched that of the deceased Varun, and the blood stains recovered from the scene of offence were found to correspond with the DNA profile of the deceased. The petitioner/accused is already in judicial custody, and the case is still under investigation. At this stage, the petitioner/accused is not entitled to be enlarged on bail. The accused is required for the purpose of investigation. If regular bail is granted, there is a likelihood that he may not cooperate with the investigation, may abscond, and may exhibit a non-cooperative attitude towards the investigating agency.

Therefore, the regular bail application filed by the petitioner/accused is not maintainable in law and deserves to be rejected.

She further contends that the petitioner/accused is a locally influential person possessing political support, financial strength, and substantial public influence. If released on regular bail at this stage, there is a likelihood that he may induce 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, causing irreparable prejudice to the prosecution. Therefore, grant of regular bail to the petitioner/accused at this stage would not be proper. The petitioner/accused may, with the intention of evading the consequences of the investigation and prosecution, fail to appear before the Court during trial proceedings, thereby causing delay and obstruction in the recording of evidence and disposal of the case. His presence before the Court may not be secured during the course of trial. Further, there is a likelihood that he may tamper with the evidence and interfere with the fair and proper conduct of the trial. Hence, the petitioner/accused is not entitled to the grant of regular bail.

She further contends that if the petitioner/accused is released on bail, there is every possibility that he may cause harassment and intimidation to the complainant. The offences alleged against him are serious, grave, and non-bailable in nature. Therefore, at this stage, the petitioner/accused is not entitled to bail. The offence allegedly committed by the petitioner/accused is a grave offence punishable with imprisonment and fine. As the investigation is still in progress, if he is released on bail at this stage, there is a possibility that he may not appear before the Court and may obstruct the investigation. In the event of his non-appearance, the case may ultimately have to be treated as a Long Pending Case (LPC).

She further contends that if the petitioner/accused is released on bail during the investigation stage, there is a likelihood that he may threaten, intimidate, or influence the material witnesses in the case 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 released on bail at this stage, there is a possibility that he may threaten the complainant and his family members,

commit further offences of a similar or graver nature, and cause harassment to the complainant. 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. 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.

16. 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.**

17. 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.6 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 **22nd day of June, 2026**)*

(Doddegowda K.)

*III Additional District & Sessions
Judge, Hassan.*