

KAHS010055782024



**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 the 30th day of January, 2026

:SC/172/2024 :

Complainant : State by:
Hassan Town Police Station

(By Public Prosecutor)

V/s

Accused : 2. Sheru S/o Shabbir,
Aged about 30 years,
R/o Behind Jail, Shrinagara,
Hassan Town, Hassan.

(By Sri. C.S.P., Advocate)

ORDER ON BAIL APPLICATION FILED BY THE ACCUSED
UNDER SECTION 439 OF Cr.P.C

This application is under Sec.439 of the Code of Criminal Procedure filed on behalf of the petitioner/accused No.2 in S.C No.172/2024 of Hassan Town Police Station in Crime No.107/2022 for the reasons stated therein in connection with offences punishable under Sections 323, 354(B), 504, 506, 307 R/w Sec.34 of the Indian Penal Code (IPC), 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 petitioner/accused No.2 is entitled for bail as prayed in the application filed under Sec.439 of Cr.P.C.?*
2. *What order?*

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

*Point No.1: In the **Negative**,*

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

::REASONS::

6. Point No.1:- The case of the prosecution is that on 23/06/2022 at about 9.00 a.m., in front of the Urdu School at Srinagar, Hassan Town, when C.W.1 and C.W.3 were walking on the road, Accused Nos. 1, 2 and 3, who were present at the spot, were questioned by C.W.1 as to why they had gone near his house, abused his mother (C.W.2), quarreled with her, assaulted her with hands, and dragged her. At that time, Accused Nos. 1, 2 and 3, abusing C.W.1 in filthy language, stated that no one except them should sell ganja in Hassan. With the intention to commit murder, Accused No. 1 stabbed P.W.1 on the left side of his body with a knife, while Accused No. 2 stabbed him with a knife on the right side of his back. Accused No. 3 attempted to kill C.W.1 by strangulating his neck, threw him to the ground, and thereafter Accused Nos. 1, 2 and 3 kicked him with their legs and threatened him with death, stating that they would not spare him, thereby causing bleeding injuries to C.W.1. Thereafter, C.W.2 to 5 intervened and separated the quarrel. C.W.2 and C.W.4 shifted the injured C.W.1 and C.W.2 in an auto-rickshaw to Hassan Government Hospital and admitted them for treatment. The

injuries sustained by C.W.1 were certified to be simple in nature. The investigation and the evidence on record clearly establish that Accused Nos. 1, 2 and 3, with the intention to commit murder, stabbed C.W.1 with knives, abused him in filthy language, issued life threats, and assaulted C.W.2 by dragging her and hitting her with hands. After the investigation, the complainant police have filed charge sheet against the accused No.2 and others for the offences punishable under section 323, 354(B), 504, 506, 307 R/w Sec.34 of the Indian Penal Code (IPC).

7. The counsel for the petitioner/accused No.2 while addressing his arguments contends that in respect of the above-mentioned case, accused Nos. 2 has already been granted bail by the Hon'ble II Additional District and Sessions Judge, Hassan, in Criminal Misc. Petition No. 492/2022. The present allegations have no connection whatsoever with this accused. A false charge sheet has been deliberately filed against him with an ulterior motive. The accused is a permanent resident of the address mentioned above and he is living respectfully in the said locality. With an intention to harass the accused, false facts have been intentionally added and a false case has been registered against him. The accused in the present case is innocent and has not

committed any offence as alleged. Even according to the version stated by the complainant police, no offence is made out against the accused. On the face of the complaint itself, no prima facie allegations are disclosed against him. The complainant has maliciously included false allegations against the accused persons.

8. He has further argued that there is no connection of any kind between the allegations stated in the complaint and the accused. The accused belong to respectable families and are held in high regard among their relatives and in society. The accused is a permanent resident of the address mentioned in the cause title and owns movable and immovable properties. Therefore, there is no likelihood of the accused absconding if he is released on bail. The accused is ready and willing to abide by all the conditions that may be imposed by this Hon'ble Court. he undertakes to furnish appropriate surety as directed by the Court and to cooperate fully with the investigating officer on all dates of investigation. He further undertakes not to threaten, induce, or tamper with any prosecution witnesses in any manner. Hence, for the forgoing reasons, the learned counsel for the accused No.2, sought to enlarge him on regular bail.

9. On the contrary, the learned Public Prosecutor vehemently argued for the rejection of the bail application filed by the petitioner. She further argued that the bail application filed by the applicant/accused is contrary to law and facts and is not maintainable. Hence, it is liable to be dismissed. A charge sheet has already been filed before the Hon'ble Court against the accused in Crime No. 107/2022 for the offences punishable under Sections 323, 354(B), 504, 506 and 307 of the Indian Penal Code. On 23/09/2024, the accused was remanded to judicial custody and was thereafter released on bail. Subsequently, the accused continuously remained absent before the Court, due to which the Hon'ble Court issued a Non-Bailable Warrant against him. On 12/01/2026, the accused was arrested and produced before the Court. It is submitted that as many as 23 different criminal cases are registered against the accused at Hassan City Police Station. The accused is a habitual offender and a professional criminal and is therefore not entitled to bail. Considering his involvement in anti-social activities, if he is released on bail, there is every likelihood that he may again commit similar offences and abscond. Hence, the accused is not eligible for grant of bail. The applicant/accused is presently in judicial custody and the case is

still at the trial stage. At this stage, the applicant/accused is not entitled to grant of regular bail. If the applicant/accused is released on bail, there is a likelihood of causing harassment and intimidation to the complainant and the family members of the deceased. The offences committed by the accused are serious, heinous and non-bailable in nature. Hence, at this stage, the applicant/accused is not entitled to regular bail.

10. It is further submitted that the offences committed by the applicant/accused are grave offences punishable with imprisonment and fine. The matter is still under trial. If the accused is released on regular bail at this stage, there is a likelihood that he may not appear before the Court, thereby obstructing the investigation, trial and disposal of the case. There is also a possibility of the case being posted as L.P.C. (Long Pending Case) due to his non-appearance. If the applicant/accused is released on bail during the trial stage, there is a strong possibility that he may threaten, intimidate and coerce the material witnesses, thereby preventing them from deposing truthfully before the Court. Sufficient materials and evidence are available against the applicant/accused regarding the commission of the offence. Hence, on these and amongst other grounds, the

Public Prosecutor sought for dismissal of the bail application filed by accused.

11. The discussion in the instant case is focused solely on the bail application without touching the merits and demerits of the case. In the case before this court, accused No.2/petitioner stands alleged to have committed offenses under sections Sec. 323, 354(B), 504, 506, 307 R/w Sec.34 of the Indian Penal Code (IPC). The prosecution has strongly opposed the bail application, stating that the petitioner is a habitual offender with a long criminal record involving serious charges against him. The prosecution has stated that as many as 23 criminal cases are registered against the petitioner at Hassan. This clearly establishes that the petitioner is a habitual offender and not a first-time accused. Repeated involvement in criminal activities disentitles him from the discretionary relief of bail. Though the petitioner was earlier enlarged on bail, it is an admitted fact that he remained continuously absent before the trial Court, compelling issuance of a Non-Bailable Warrant. He was arrested only thereafter and produced before the Court on 12-01-2026. Such conduct demonstrates disrespect for the process of law and clearly indicates that the petitioner cannot be trusted to comply with bail

conditions. The petitioner's criminal background is highly concerning. His release would not serve the interest of law and order. Hence, this Court is of the firm view that he does not deserve to be granted regular bail. Accordingly, I answer Point No. 1 in the negative.

12. 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 petitioner/Accused No.2 u/s 439 of Cr.P.C., seeking regular bail is hereby rejected.

*(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court, on this the **30th day of January, 2026**)*

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