

KAHV010018702025



**IN THE COURT OF I ADDL. DISTRICT & SESSIONS  
JUDGE, AT HAVERI.**

DATED THIS THE 14<sup>th</sup> DAY OF NOVEMBER 2025

PRESENT :

Sri. N.M.Ramesha, *B.com, LL.B., LLM*  
I Addl. District & Sessions Judge, Haveri.

**Sessions Case No: 37/2025**

Complainant : State by Hanagal Police Station

*(By learned P.P)*

V/s

Accused Nos. 8 Girijamma W/o Gadigeppa Olekar,  
Age: 34 years, Occ: Housewife,  
R/o: Kopparshikoppa,  
Hanagal taluk,  
Haveri district.

*(Sri. K.V. Viraktamath., Advocate)*

**ORDERS ON BAIL APPLICATION FILED BY THE ACCUSED No.8  
UNDER THE PROVISIONS OF SECTION 483 OF BNSS, 2023**

This order arises from the bail application filed by the accused No.8 under the provisions of Section 483 of BNSS, 2023 seeking bail for the offences punishable under the provisions of sections 189(2), 191(2), 191(3),

115(2), 118(1), 126(2), 103(1), 133, 74, 352, 351(2), 351(3) and 49 r/w section 190 of BNS 2023.

**2.** The facts leading to filing of these bail application and the facts constituting the case of the prosecution is as under:-

On 26.12.2024, at about 6.00 p.m., the complainant has lodged a complaint before the Police Sub-Inspector of Hanagal police station, inter-alia alleging that on 26.12.2024, in between 1.00 p.m to 2.00 p.m., the accused No.1 to 9 unlawfully assembled in front of their house situated at Kopparasikoppa village of Hanagal taluk and committed rioting by holding deadly weapons like sticks and picked up the quarrel with deceased and abused him in filthy language as Boosadimaga on the ground that, the deceased was having illicit relationship with one Smt. Rekha and in prosecution of their common intention to commit murder, the accused No.1 to 9 have hold the deceased and dragged him near electric pole and tied the deceased into electric pole by using rope and assaulted with sticks on his hands, thighs, chest and head and caused bleeding injuries. The accused persons put the chappals into the neck of the deceased and also put the chappals into the mouth of deceased and lit the fire by using paddy grass. The public who were gathered at the scene of offence took the deceased and two other injured persons to the Hangal Government Hospital,

wherein the deceased succumbed to injuries. Therefore, the complainant has requested the police to take suitable action against the accused.

**3.** Based on the said complaint, the police have registered a case against the accused No.1 to 9 in crime Cr.No.289/2024 for the offences punishable under sections 103(1), 74, 189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2)(3) and 126(2) r/w section 190 of BNS 2023, forwarded the FIR to the court and the further investigation was undertaken.

**4.** During the course of further investigation, the police have visited the scene of offence and conducted spot mahazar and recorded the statement of witnesses and also recovered material objects. The Investigating officer has arrested the accused persons and produced before the Learned Senior Judge & JMFC., Hanagal on 27.12.2024 and hence, they were initially remanded to judicial custody till 9.1.2025 and thereafter extended from time to time and now the accused are in judicial custody. After completion of entire investigation, the I.O has submitted the charge-sheet before the committal court and the committal court having taken the cognizance for the alleged offences and thereafter committed the case to the court of sessions vide order dated 2.4.2025. After committal, the case was ordered to be registered as S.C.No.37/2025.

5. This is how the accused No.8 has approached before this court seeking bail for the alleged offences punishable under sections 103(1), 74, 189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2)(3) and 126(2) r/w section 190 of BNS 2023 on medical grounds.

6. The learned public prosecutor for state has resisted the bail applications by filing detailed objections.

7. I have heard the arguments of both the side and perused the bail application, objections and the materials placed on record.

8. Now the points that would arise for my consideration are as under;

1. Whether the bail application filed by the accused No.8 under the provisions of Section 483 of BNSS, 2023 deserves to be allowed and whether the accused No.8 is entitled to be released on bail?
2. What order?

9. On considering the materials placed on record, now my answer to the above points are as under: -

Point No.1 : In the **“Negative”**.

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

### **REASONS**

10. **Point No.1:** I have already narrated the facts in brief leading to the filing of this bail petition and also the facts constituting the case of the prosecution. On perusal

of FIR and complaint and charge-sheet materials, it is crystal clear that the offences alleged against the accused are punishable under sections 189(2), 191(2), 191(3), 115(2), 118(1), 126(2), 103(1), 133, 74, 352, 351(2), 351(3) and 49 r/w section 190 of BNS 2023. It is also crystal clear from the complaint, FIR and charge-sheet materials that the name of the accused do finds a place in the complaint, F.I.R and charge-sheet materials.

**11.** The learned counsel for the accused No.8 has argued with force that the accused No.8 is suffering from heart disease and therefore, the accused No.8 is entitled for regular bail on medical grounds.

**12.** Per contra, the learned public prosecutor for state has vehemently contended by reiterating the contentions urged in the objections and inter-alia contended that the bail application filed by accused No.8 and others on two occasions were already came to be dismissed and the jail authorities are providing medical treatment to the accused No.8 as per the order of court and complainant and C.W.10 to 14 have not been examined as observed by the Hon'ble High Court of Karnataka while dismissing the bail application of accused No.8 as not pressed and therefore, the accused No.8 is not entitled for bail.

**13.** I have considered the rival submissions made by both the side and gone through the grounds of bail

and objections and the material placed on record. Now keeping the arguments canvassed by both the side in mind, let us consider as to whether the accused No.8 is entitled for bail on medical grounds or not.

**14.** According to the case made out by the prosecution that on 26.12.2024, in between 1.00 p.m to 2.00 p.m., the accused No.1 to 9 unlawfully assembled in front of their house situated at Kopparasikoppa village of Hanagal taluk and committed rioting by holding deadly weapons like sticks and picked up the quarrel with deceased and abused him in filthy language as Boosadimaga on the ground that, the deceased was having illicit relationship with one Smt. Rekha and in furtherance of their common intention to commit murder, the accused No.1 to 9 have hold the deceased and dragged him near electric pole and tied the deceased into electric pole by using rope and assaulted with sticks on his hands, thighs, chest and head and caused bleeding injuries and the accused persons put the chappals into the neck of the deceased and also put the chappals into the mouth of deceased and lit the fire by using paddy grass and the public who were gathered at the scene of offence took the deceased and two other injured persons to the Hangal Government Hospital, wherein the deceased succumbed to injuries.

**15.** But, it is contended in the bail application that the accused No.8 is an innocent and not committed any alleged offences and there is no prima-facie case made out against the accused No.8 and the materials on record do not attract the ingredients of the alleged offences and the complainant had lodged a false complaint without any basis and the accused No.8 is suffering from heart diseases and therefore, the accused No.8 is entitled for bail on medical grounds.

**16.** Under these circumstances, whether the accused No.8 has committed the alleged offences punishable under the provisions of sections 189(2), 191(2), 191(3), 115(2), 118(1), 126(2), 103(1), 133, 74, 352, 351(2), 351(3) and 49 r/w section 190 of BNS 2023, or not is a matter which requires evaluation of evidence to be recorded at the trial. Further, whether the accused No.8 has been implicated in the crime or not is also a matter which requires evaluation of evidence to be recorded at the trial. But at this stage of the proceedings, this court cannot conduct a mini trial so as to adjudicate all these controversies which revolves round the aspect of fact and law which requires full-fledged trial.

**17.** But, at this stage of proceedings, the court while considering the bail application of this nature has to consider as to whether there is any prima facie case or reasonable ground to believe that the accused had

committed the offence and as to the nature and gravity of the accusation made against the accused including severity of the punishment in the event of conviction and danger of the accused absconding or fleeing, if released on bail and the character, behaviour, means, position and standing of the accused, likelihood of the offence being repeated, reasonable apprehension of the witnesses being influenced and the danger, of course, of justice being thwarted by grant of bail.

**18.** But, at this stage of proceedings, the contents of the F.I.R and complaint and other documents placed on record more particularly the medical documents prima facie establishes that on 26.12.2024, in between 1.00 p.m to 2.00 p.m., the accused No.1 to 9 unlawfully assembled in front of their house situated at Kopparasikoppa village of Hanagal taluk and committed rioting by holding deadly weapons like sticks and picked up the quarrel with deceased and abused him in filthy language as Boosadimaga on the ground that, the deceased was having illicit relationship with one Smt. Rekha and in furtherance of their common intention to commit murder, the accused No.1 to 9 have hold the deceased and dragged him near electric pole and tied the deceased into electric pole by using rope and assaulted with sticks on his hands, thighs, chest and head and caused bleeding injuries and the accused persons put the

chappals into the neck of the deceased and also put the chappals into the mouth of deceased and lit the fire by using paddy grass and caused the death. The allegations made against the accused No.8 and others in the complaint, FIR and charge-sheet materials are all heinous and serious in nature.

**19.** As could be seen from the medical documents that the accused have assaulted with club on the vital parts of deceased and as a result of which, he has sustained grievous injuries and succumbed to death. No doubt, as rightly pointed out by the learned counsel for the accused No.8 that all the alleged offences are triable by this court and she is not required for further investigation and further interrogation as the charge-sheet is already filed.

**20.** But, the facts remained unchallenged that the evidence not yet commenced. It is pertinent to note here that the Hon'ble High Court of Karnataka has pleased to dismiss the bail application of accused No.8 as withdrawn with a liberty to move bail application after examination of C.W.1 and C.W.10 to 14 as submitted by the Learned counsel for accused No.8. Now the evidence of C.W.1 and C.W.10 to 14 has not been recorded. Therefore, the accused No.8 is not entitled for bail at this stage of the proceedings.

**21.** It is necessary to note here that, there is a specific serious allegations and also individual overt act of each accused No.1 to 9 in the complaint, FIR, statement of witnesses and the charge-sheet including the statement recorded under section 183 of BNSS 2023. As could be seen from the medical records, the cause of death was due to pulmonary congestion followed by smoke inhalation. The materials placed on record at this stage prima-facie establishes that the accused persons hold and dragged the deceased near electric pole and tied him into electric pole with rope and put the chappal and assaulted with clubs on the vital parts of deceased and also lit the fire at about 1.00 p.m. to 2.00 p.m which is admittedly a day time at public. This is so evident from the photographs placed on record including medical documents placed on record. The alleged offences are heinous and serious in nature which are punishable for death penalty or for imprisonment for life if the allegations are proved which requires full-fledged trial. Under these circumstances, the accused No.8 is not entitled for bail.

**22.** It is not in dispute that the accused No.8 is not a stranger to the complainant, eye witnesses and other material witnesses. Under these circumstances, if the accused No.8 is released on bail at this stage of proceedings, then the chances of threatening and

influencing the complainant and other prosecution witnesses and absconding from the jurisdiction of the court cannot be ruled out at this stage of the proceedings considering the facts and circumstances of the case.

**23.** It is also pertinent to note here that the Superintendent of Jail has submitted a requisition before the Court seeking medical treatment on the ground that the accused No.8 has complained of chest pain and giddiness. As could be seen from the order sheet dated 18.6.2025, based on the requisition submitted by Superintendent of jail and also based on the outpatient record sent by the Medical Officer attached to District Hospital, Haveri, this Court has permitted the Superintendent of jail to provide necessary treatment to the accused No.8 at KIMS Hospital, Hubli and accordingly the concerned medical officer has conducted corollary angiogram to the accused No.8 and given proper treatment to the accused No.8. Under these circumstances, the accused No.8 is not entitled for bail on medical grounds as the concerned medical officer has already provided medical treatment to the accused No.8 at KIMS Hospital, Hubli.

**24.** Considering the way in which the accused No.8 and others have committed the alleged offences against the deceased in a day time at public and considering the facts and circumstances of the case including the

materials placed on record and the medical documents placed on record, it is not a fit case to grant regular bail to the accused No.8. Therefore, for the reasons discussed above, this court is of the considered view that the accused No.8 has not made out any sufficient reasonable grounds for grant of regular bail. Hence, I answer point No.1 in the **Negative**.

**25. POINT NO.2:** In view of my finding on Point No.1, I proceed to pass the following;

**ORDER**

The bail application filed by the accused No.8 under the provisions of Section 483 of BNSS, 2023 is hereby dismissed.

However, it is made it clear that the jail superintendent of District jail Haveri, is hereby specifically directed to provide periodical necessary treatment to the accused No.8 in the concerned hospital and submit report along with medical documents without fail.

Office is directed to sent a copy of order to the concerned jail authority through E-mail and also in the regular process forthwith without any amount of delay.

*(Directly dictated to the Stenographer on computer, typed by him, corrected, signed and then pronounced by me in the open court, on this the 14<sup>th</sup> day of November 2025)*

(N.M.Ramesha)  
I Addl. District and Sessions Judge,  
Haveri.