

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

DATED THIS THE 9th DAY OF JUNE 2025

PRESENT :

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

SPL.SC/ST. NO : 17/2025

Complainant : State by Hirekerur P.S
(By Public Prosecutor)
V/s

Accused

- 1 Ramesha s/o Shiddappa Balki @
Bhalke, Age: 45 years,
Occ: Agriculture.
- 2 Smt. Vijaya w/o Ramesh Balki @
Bhalke, Age: 35 years,
Occ: Housewife.
- 3 Shankaragouda s/o Rudragouda
Hullinakoppa @ Hullinakoppad,
Age: 37 years, Occ: Agriculture.
- 4 Smt. Roopa w/o Shankaragouda
Hullinakoppa @ Hullinakoppad,
Age: 32 years, Occ: Housewife.
- 5 Smt. Gouramma w/o Siddappa
Balki, Age: 71 years,
Occ: Housewife.
- 6 Smt. Kavita w/o Rudragouda
Hullinakoppa @ Hullinakoppad,
Age: 56 years, Occ: Housewife,
All are R/o: Kalagonda village,
Hirekerur taluk, Haveri district.

(Sri. K.B. Kalashetti., Advocate)

ORDER ON BAIL PETITION FILED BY THE ACCUSED No.1 TO 6
UNDER THE PROVISIONS OF SECTION 483 OF BNSS 2023

This order arises from the bail petition filed by the accused No.1 to 6 under the provisions of section 483 of BNSS 2023, seeking regular bail for the offences punishable under the provision of sections 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015.

2. The facts leading to filing of this bail application and the facts constituting the case of prosecution in brief is as under:

On 11.2.2025, at about 11.30 p.m., the complainant has lodged a complaint before the SHO, Hirekerur Police Station, *inter-alia* alleging that, on 11.2.2025, when the complainant was in the house, the public were offering pooja in temple and at about 11.00 a.m., the accused No.1 to 6 unlawfully assembled there in furtherance of their common object and came to destroy the plat form of the temple for which the complainant has resisted and questioned and therefore the accused NO.1 to 3 have abused the complainant in filthy language and assaulted with hands on the chest and pulled the complainant and torn the cloths. Therefore, the complainant has requested the police to take suitable action against accused persons.

3. Based on the complaint, the police have registered the case against the accused persons in Crime

No.23/2025 for the offences punishable under the provision of sections 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015, forwarded FIR to the court and further investigation was undertaken. During the course of investigation, the investigating officer has visited the scene of offence and conducted spot mahazar and recorded the statement of witnesses and also recovered material objects and secured material documents and on completion of entire investigation, he has filed charge-sheet before the court.

4. On service of process of the court, the accused No.1 to 6 have approached before this court by filing the present bail application seeking regular bail for the alleged offences on the ground that, the Hirekeur police have registered a case against them and filed the charge-sheet for the offences punishable under the provisions of sections 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015. The accused No.1 to 6 had already obtained anticipatory bail in CrI.Misc.No.105/2025 and obeyed the conditions. The accused are noway concerned to the alleged incident. The accused have been implicated to harass and cause inconvenience at the instance of ill-wishers of the accused. The accused are ready and willing to abide by the conditions that may be imposed by this court and ready to furnish the surety. Therefore, the accused No.1

to 6 are entitled for regular bail. It is on these amongst other grounds the accused No.1 to 6 have prayed for allow the petition.

5. Copy of the bail application has been served upon prosecution.

The Learned Public Prosecutor for State has orally objected for bail application and prayed to dismissal of the bail application of accused No.1 to 6.

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

7. Now the points that would arise for my consideration are as under:

1. Whether the accused No.1 to 6 are entitled for regular bail and whether the bail application filed under section 483 of BNSS 2023, is deserves to be allowed ?

2. What order?

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

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

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

REASONS

9. POINT NO. 1 :- I have already narrated in brief as to the facts leading to filing of this bail application and the facts constituting the case of the prosecution. Along with bail application, the accused No.1 to 6 have produced the copy of the order passed by this court in

Crl.Misc.No.105/2025. On perusal of the documents placed on record, it is clear that, the offences alleged against the accused No.1 to 6 are punishable under the provision of sections 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015. It is also crystal clear from perusal of documents on record that, accused No.1 to 6 have already approached before this court and obtained anticipatory bail in Crl.Misc.No.105/2025 vide dated 21.2.2025.

10. According to the case made out by the prosecution at this stage of proceedings that, on 11.2.2025, when the complainant was in the house, the public were offering pooja in temple and at about 11.00 a.m., the accused No.1 to 6 unlawfully assembled there in furtherance of their common object and came to destroy the plat form of the temple for which the complainant has resisted and questioned and therefore the accused NO.1 to 3 have abused the complainant in filthy language and assaulted with hands on the chest and pulled the complainant and torn the cloths.

11. But, it is contended in bail application that, accused have not committed any alleged offences and there is no prima-facie case made out against the accused persons and the complainant has filed false complaint without any materials and the accused are noway concerned to the alleged incident and have been implicated the crime and therefore accused No.1 to 6

have prayed for allow the bail application.

12. Under these circumstances, whether the accused No.1 to 6 have committed the alleged offences punishable under the provision of sections 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015 or not is a matter which requires evaluation of evidence to be recorded at trial. Further, whether the accused have been implicated in this crime without any materials or not is also a matter which requires evaluation of evidence to be recorded at trial.

13. But, at this stage of the proceedings, it is crystal clear that, the alleged offences punishable under the provision of 189(3), 191(2), 115(2), 74, 352 and 351(1) r/w section 190 of BNS 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (P.A.) Amendment Act, 2015, are all triable by this court only. The alleged offences against the accused are not punishable either for death penalty or imprisonment for life. The punishment entailing to an offence also plays an important role while considering the bail application of this nature.

14. Admittedly, the accused have already obtained anticipatory bail in CrI.Misc.No.105/2025 vide dated 21.2.2025. It is not the case of the prosecution that, accused No.1 to 6 are required for any further investigation or for any further interrogation. The investigation is already completed and the charge-sheet is already filed before the court. The apprehension of the

prosecution can be taken care by imposing suitable conditions on the accused No.1 to 6. There are no any special reasons to refuse the regular bail to the accused No.1 to 6. Viewed from any angle, the accused No.1 to 6 are entitled for regular bail for the alleged offences. Therefore, for the reasons discussed above, this court is of the considered view that, accused No.1 to 6 have made out sufficient grounds for grant of regular bail and the bail application filed under the provision of section 483 of BNSS 2023, is deserves to be allowed. Hence, in view of my above said reasons I answer point No.1 in the **affirmative**.

15. POINT NO. 2: In view of my findings on point No.1, I proceed to pass the following.

ORDER

The bail application filed by the accused No.1 to 6 under the provision of section 483 of BNSS 2023, is hereby allowed and the accused No.1 to 6 are released on regular bail on their executing a personal bond for Rs.1,00,000/- each with one surety for the likesum subject to the following:

CONDITIONS

1. The Accused No.1 to 6 shall not commit similar offences in future days.
2. The accused No. 1 to 6 shall appear before the court on all the dates of hearing without fail.

3. The accused No.1 to 6 shall not threaten the complainant and other prosecution witnesses in any mode or in any manner.
4. The accused No. 1 to 6 shall furnish their permanent address proof before the investigating officer and also before this court.

In the event of the accused No. 1 to 6 violate any of the bail conditions, then the prosecution is at liberty to move for cancellation of bail.

(Dictated to the Stenographer directly on computer, typed by him, corrected, signed and then pronounced in the open Court on this the 9th day of June, 2025.)

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