

KAMD700003302026



**IN THE COURT OF THE
III ADDITIONAL DISTRICT &
SESSIONS JUDGE, MANDYA,
[SITTING AT SRIRANGAPATNA].**

Dated this the 25th day of June, 2026

PRESENT

Smt. Jyothsna D, LLB, LLM, DFA.
III Addl. District and Sessions Judge, Mandya,
[Sitting at Srirangapatna].

Crl.Misc./5189/2026

Petitioner : Roney Thomas S/o Thomas K.J,
Aged about 36 years, Residing at
No.10, M.C.Road, Kalenahalli,
K.R.Pete, Mandya, Karnataka
571 02.

By Sri S R Siddesha, Advocate.

-Vs-

Respondent: The State of Karnataka,
By K.R.Sagara Police Station,
Mandya District.

By the learned Public Prosecutor.

ORDER

The present bail petition is filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, for an order of anticipatory bail in the event of his arrest in Cr.No.58 of 2026, for the offence punishable under Section 105 Bharatiya Nyaya Sanhita.

2. In the bail petition, it is contended that the petitioner is innocent of the alleged offence and he has not committed the same and he has been falsely implicated in the case. The petitioner has alleged that the incident is purely accidental in nature and occurred without any criminal intent, motive of knowledge. There are no prima facie case made out against the petitioner for commission of offence. The alleged offence is not punishable with death or life imprisonment. The material on record disclose the fact that the incident is an unfortunate mishap rather than a culpable criminal act. There is no mens-rea for criminal intention. He is a 'Father' of a religious Society. He has no criminal antecedents. He is ready to abide by any conditions that may be imposed by this Court and furnish surety to the satisfaction of the Court and appear before the Court on all hearing dates. Inter-alia on all these grounds the petitioner prays to enlarge him on bail.

3. Per contra, the learned Public Prosecutor in her objection reiterated the complaint averments and contended that a case in Cr.No.58 of 2026 for the offence punishable under Section 105 Bharatiya Nyaya Sanhita. Investigation into the matter is not yet completed. The petition is against law and no grounds has been made out

by the petitioner to enlarge him on bail. If the petitioner is enlarged on bail, there are chances of he absconding and tampering the prosecution witnesses. The alleged offence may create unpleasant atmosphere in the Society and gives a bad signal to the society at large. If at this stage the petitioner is released on bail he may tamper the prosecution witnesses or he may abscond by violating the bail conditions. Inter-alia with these contentions the learned Public Prosecutor prays for rejecting of the bail petition.

4. Heard both sides. Perused the record.

5. On the basis of material on record, the points that arise for determination of this Court are ;

1. Whether there are sufficient grounds to enlarge the petitioner on bail?

2. What order?

6. The findings of this Court for the aforesaid points for consideration are as under;

Point No.1: In the negative.

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

REASONS

7. **Point No.1:** The case was registered by the respondent – Police against the petitioners in Cr.No.58 of 2026 for the offence punishable under Section 105 Bharatiya Nyaya Sanhita on the basis of complaint of one Poulsan E Thomas.

8. Brief facts of the FIR is that the brother of complainant by name Daniel E Thomas had gone missing from the Balmuri water falls during Mother Theresa summer camp program on 12.04.2026. They had sent him to the summer camp which was held at Mandya by Father Roney Thamas and Team. They visited Balmuri waterfalls and Philomena Church without informing their parents. They unofficially took him to the water falls without any safety measures. Further, inspite of they were aware of the fact that he did not know to swim, they made him to swim while playing in the water and resultantly, her brother was missing. No one informed at the time of incident happened at 4.30 p.m. The management informed said fact at 9.00 p.m. They reached the spot at 10.00 p.m. and there were no rescue operation initiated. They were acting in a negligent manner. They searched overnight in the surroundings of Balmuri water falls. Later, in the morning

Swimmer man at the locality found the dead body of her brother at 8.20 a.m. on 13.04.2026. She had only one younger brother. They lost their father two years ago. She has no one to take care of her mother. Accordingly, a complaint came to be registered.

9. The learned counsel for the petitioner argued that delayed complaint came be registered by falsely stating that the information was not given to them. The petitioner is Father [Pontiff] of the Church and he was not at the place of incident. He has been falsely implicated in the case.

10. On the other hand, learned Public Prosecutor argued that it is the duty of the petitioner to look into whether there are safety measures in the water falls prior to send the aspirants to swim. Whether there is consent to send them to water falls by their parents or not is a matter of trial. Such defence taken by the petitioner will not be considered for grant of bail at this stage.

11. With regard to arguments of learned PP, counsel for the petitioner replied that he is ready to abide by any conditions that may be imposed by this Court. The petitioner had not participated in the incident.

12. This Court is of the opinion that, as per materials available on record, it is undisputed fact that the summer camp was arranged by the management of Mother Theresa Semina for the children. Due to the negligence of organizers of the summer camp, life of a child has been lost which had to live a long life. His mother lost her son who had to look after her during her old age as she had already lost her husband.

13. It is undisputed fact that the petitioner is head of the management. As head of the management of School the petitioner shall take due caution and care while taking the students to the place where risk for life found. Though he is not personally visiting with students and teachers or mentors of camp to the water fall, but it is his duty to look after whether the teachers, mentors and the authorized persons who are taking the children to waterfall took proper care and caution.

14. Water falls are the places beautiful for the eye, but it has its own hidden factors such as dangerous flow of water, inside slippery stones etc., which needs safety measures. The arguments of learned Counsel for the petitioner which are treated as defence at the time of trial. In this case evidence is based on circumstantial evidence.

Though there is eye-witnesses to the incident such as teachers, mentors and other students of the camp, other participants at the time of the incident also visited along with deceased, but they all are yet to reveal the fact by giving their statement during the investigation. There is chance of getting eye-witnesses in the investigation as incident occurred during evening hours of the summer camp.

15. Therefore, if at this stage, the petitioner is enlarged on bail, there are chances of he destroying the evidence and tamper the eye-witnesses. Further, as per F.I.R. there are unknown accused persons. Hence, if this petitioner is enlarged on bail, there are chances of he absconding. Accordingly, point No.1 is answered in the negative.

16. In the course of this order, certain observations have been made touching merits of the case. Those observations have been made as this court feels that they are necessary for just disposal of the application on merits. Therefore, it is made clear that whatever the observation made in the body of this order shall be strictly confined to this order only and they shall not be read

beyond the scope of this order so as to cause prejudice either to the prosecution or to the defence.

17. **Point No.2:** In view of the findings on point No.1 in the negative, this Court proceeds to pass the following:

ORDER

The bail petition filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, is hereby rejected.

[Typed to my dictation by the Stenographer Grade-1, directly on Computer, corrected by me and then pronounced in open Court on this the 25th day of June, 2026]

[Jyothsna D]

III Addl. District & Sessions Judge,
Mandya, [Sitting at Srirangapattana].