

**IN THE COURT OF THE IV ADDL SESSIONS JUDGE,
MYSURU.**

:: Dated this the 4th day of August 2017 ::

Present: **Sri N Krishnaiah, B.Sc., LL.B.,**
 IV Addl. Sessions Judge,
 Mysuru.

:: Sessions Case No.110 of 2017 ::

Complainant :

State by V V Puram Police Station.

[By learned Public Prosecutor]

Vs.

Accused :

1. Hemanth and 11 others.

Applicant:

A-7: Bharath Kumar @ Balu,
Revanna, 24 years, No15/1B, 4th
Main, 5th Cross, Vinayakanagara,
Mysuru.

A-10: Manjasha, S/o C Chikkanna, 31
years, No.2508, 6th Cross, 3rd
Main, Vinayakanagara, Mysuru.

**[By Sri A K Vaman Advocate for A-6
and 10]**

:: ORDER ON BAIL APPLICATIONS ::

The learned counsel for accused No.6 and 10 have filed these two separate applications under Section 439 of Cr.P.C., seeking to enlarge these accused on regular bail.

2. In their applications, they have contended that, they are innocent and law abiding citizens. They have not committed the alleged offences. They are permanent residents of Paduvarahalli, Mysuru and they are having deep roots in the Society. Accused No.6 has lost his father and he has to look after his mother by doing driver profession. There are no prima facie materials to show that these accused have committed the alleged offences. Investigation is already completed and they are not required for further investigation. They are ready to abide by any conditions that may be imposed by this Court. Hence, they requested to allow these applications.

3. The learned Public Prosecutor filed his memo stating that the objection which is already filed to the bail applications of accused No.9, 11 and 12 may be considered as objection to these bail applications also.

4. In view of the aforesaid rival pleadings, the following short point that would arise for my consideration is:

“Whether accused No.6 and 10 are entitled for regular bail under Section 439 of Cr.P.C.?”

5. I have heard the arguments of both sides and perused the records.

6. My findings on the aforesaid point in negative for the following:

REASONS

7. The Police Inspector of V V Puram Police Station laid this Charge-sheet against accused No.1 to 12 for the offences punishable under Section 109, 120-B, 302, 201 R/W 34 of I.P.C. In respect of gravity of the offence is concerned, the alleged offence is an heinous offence of murder, which is punishable under Section 302 of I.P.C. is punishable with death or life imprisonment.

8. No doubt, as submitted by the learned counsel for accused 6 and 10, there is no allegation as these accused have physically assaulted and committed murder of deceased. But, there is a specific allegation as these accused No.6 and 10 abetted accused No.1 to 5, 7 to 9, 11 and 12 and made criminal conspiracy with an intention to commit murder of deceased Krishna. The Investigating Officer has collected the call details. As per the call details, the accused were watching the movement of deceased and intimated to accused No.1. Then, all these accused including these accused No.6 and 10 have made criminal conspiracy, prepared pre-plan and brutally murdered the deceased in the public place particularly at a broad day time. Hence, as rightly submitted by the learned Public Prosecutor, there are sufficient prima facie material to show that these accused are also involved in the alleged offence of murder.

9. No doubt, as submitted by the learned counsel for accused, the investigation is already completed and Charge-sheet is filed and these accused are not required for further investigation. But, when there is a serious allegation of heinous offence of murder, which is punishable with death or life imprisonment, on the sole ground that, the investigation is already completed, these accused cannot be released. The deceased was brutally murdered in a public place particularly at broad daylight. Hence, at this stage, if these accused are released on bail, it will impact on the Society.

10. Moreover, as rightly submitted by the learned Public Prosecutor, on perusal of entire materials on record, it appears that there was a gangwar between two groups. Under this situation, if these accused are released on bail again another untoward incident may be occurred and these accused may threaten the prosecution witnesses and try to hamper the prosecution witnesses. On this similar ground, this Court has already rejected the bail application of accused No.9, 11 and 12 by considered order dated 3.7.2017. All the accused persons are in judicial custody. Hence, at this stage, if these accused are released on bail, they may abscond from the jurisdiction of this Court. Then, the trial of the case may be delayed. Whether these accused have been falsely implicated in this case or not, at this pre-trial stage, it cannot be considered. On the other hand, it is to be

considered that, whether there is any prima facie material to proceed against the accused or not. But, on perusal of entire Charge-sheet and its enclosures and statement of witnesses, there is sufficient prima facie materials to show that these accused have also involved in the offence of murder of deceased Krishna. Hence, even at this stage also, these accused have not made out any sufficient grounds to release them on regular bail. Therefore, the applications filed by these accused are deserves to be dismissed. In view of the aforesaid reasons, I answer this Point **in Negative** and I proceed to pass the following.

: O R D E R :

The bail applications filed by accused No.6 and 10 under Section 439 of Cr.P.C. are hereby dismissed.

[Dictated to the Judgment Writer, transcript corrected and pronounced by me in Open Court, on this the **4th day of August, 2017**].

[N KRISHNAIAH],
IV Addl. Sessions Judge,
Mysuru.

