

KAMS010068622025



**IN THE COURT OF THE III ADDL SESSIONS JUDGE,
MYSURU**

Present: Sri.Gururaj Somakkalavar, M.A., LL.B.,

Dated this the 20th day of November 2025

SC/184/2025

Complainant:

State by Varuna Police Station.

[By Public Prosecutor, Mysuru]

/vs/

Accused No.7:

Smt.Lakshmi,
W/o Nagaraju,
Aged about 35 years,
R/at Anantha Nilaya,
Near Gurumalleshwara Mutt,
Devegowda Circle,
Mysuru City.

[By Sri.P.R.S., Adv]

ORDER ON BAIL APPLICATION U/S 483 OF B.N.S.S.

This is an application filed by the accused No.7 U/s 483 of B.N.S.S for the offences punishable U/s 189(2), 191(2), 191(3), 61, 103(1), 49, 238 R/w Section 190 of B.N.S.

2. Brief facts of the application are as under:

That accused No.7 is innocent of the offences alleged against her. She is law abiding citizen, she has not committed any offences as alleged in the complaint. She is a house wife, she has to look after her minor children. She is the permanent resident of Mysuru District. The complainant police have completed the investigation and they have not sought for any further police custody of the accused. She is ready to abide the conditions imposed by the court also ready to furnish surety to the satisfaction of the court. If she is not granted bail, her entire family will be put to great hardship. Therefore, prayed for allowing her on bail.

3. These facts have been denied by the opponent/prosecution in the objection statement contended that, application is not maintainable either in law or on facts of the case. The investigation has already been completed, charge sheet is filed. The available material clearly goes to show the involvement of the accused in commission of the offence. The offences leveled against the accused are non-bailable, heinous in nature. So, at this stage if she is enlarged on bail, there is every chance of tampering the prosecution witnesses, so also chance of absconding the accused from the jurisdiction of

the court, she may threat the complainant and other witnesses. Therefore, prayed for rejection of the application.

4. Heard the arguments of both sides, perused the petition, objections and available material placed on record, following points arise for my consideration:

- 1) Whether the accused No.7 is entitle for bail from the hands of this court?
- 2) What order?

5. My findings on the said points are as under:

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

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

REASONS

POINT NO.1:

6. Varuna Police have filed the charge sheet against this accused and others for the offences punishable U/s 189(2), 191(2), 191(3), 61, 103(1), 49, 238 R/w Section 190 of B.N.S in their Cr.No.95/2025.

7. The case of the prosecution is that, the deceased has relationship with accused No.7 herein. He arranged for rented house near Devegowda Circle and the said Lakshmi is resided there. Deceased used to visit said house.

Deceased has assigned accused No.1 to get the grosseries and other daily required things. As such the accused No.1 used to visit the house of accused No.7. About 6 months back the deceased came to know that, behind the back of the deceased both accused No.1 & 7 had developed illicit relationship and the deceased quarreled with both accused No.1 & 7 and assaulted them in the house of accused No.7. Accused No.1 frightened with deceased went to Bengaluru. The said accused No.1 developed animosity against deceased. The deceased told to his followers to eliminate accused No.1 as he has developed relationship with accused No.7 behind his back and committed cheating. This fact was came to know by the accused No.7. Further, the deceased is in love with Neela and he is planning to marry her. That has led to develop animity by accused No.7 towards deceased.

8. Accused No.6 has also develop animity as the deceased has planned to kill accused No.6 as because the said accused No.6 has killed one of the friend of deceased. Accused No.2 & 3 have also develop animity against deceased as there was gang fight. Further, deceased has developed himself and accused No.3 has jealous against deceased and he intended to eliminate deceased.

9. Accused No.1 is under fear as deceased has instructed his followers to eliminate him. As such he has thought to join the enemies of deceased and eliminate deceased himself. On 29.04.2025 accused No.1 to 3 met near Kanakagiri School and hatched a plan to eliminate deceased.

10. On 04.05.2025 at about 9.00 p.m accused No.7 called accused No.1 through whats app call and informed that, to not to go to karaga festival as the deceased has planned to eliminate him, accused No.2, 3, 5 and prepared for the same. Further she informed that, deceased cheating on her and planning to marry Neela. She instigated that, if they do not eliminate deceased, deceased will kill them. Deceased is staying in Yathin Hotel at Varuna along with Neela since one week and he will surely visit the said hotel. By that, she has abated and instigated the others to kill deceased.

11. Accused No.1 shared the said information with accused No.3 and they have prepared to eliminate deceased. They assembled at the site in Ashokapuram and they have hatched the plan and prepared to kill deceased. They arranged 5 long, 2 daggers and kept the weapons in the Tata Sumo jeep. accused No.4 kept one dagger with him. Accused No.2 & 4 were informed to watch the

deceased. After that, all of them went near the Yathin Hotel. Accused No.1, 3, 5 & 6 were in the Tata Sumo jeep parked the vehicle by the side of the road accused No.2 & 4 were in the scooter waiting near the hotel on the road.

12. On 05.05.2025 at about 1.40 a.m., deceased came in his black Thar jeep parked the vehicle near the main gate of the hotel got down and proceeded to enter the hotel. At that time accused No.2 & 4 came in scooter and started to talk to deceased. Accused No.2 caught hold deceased and pulled him on the ground immediately accused No.1, 3, 5 & 6 got down from the Tata Sumo jeep with the weapons and started to assault on deceased. They assaulted on his face, head, neck, shoulder. accused No.2 brought another long from the jeep and assaulted on the face of the deceased. accused No.4 with the dagger stabbed on the chest of the deceased and committed murder. accused No.5 took the photographs of the deceased in his mobile and they all flee from the spot in their vehicles. They parked the two wheeler near the form of Shivanna at Gurkapur Road and in the jeep went at different placed and they changed cloths and thrown the blood stained cloths in the land of Puttaswamy and by that they have destroyed the evidence. Accused No.1 to 6 have committed murder of deceased. accused No.7 has informed other accused about the deceased and she instigated the other

accused to commit murder of the deceased. With these allegations charge sheet is filed against the accused. By that they were arrested by the police.

13. During the investigation accused No.7 is arrested and remanded to judicial custody. Now, the accused No.7 has filed the present application seeking regular bail.

14. The counsel for the accused submits that the accused have not committed any offences as alleged in the charge sheet. The accused No.7 herein is been falsely implicated in the present case. None of the evidence collected during investigation indicates regarding involvement of the accused No.7 in the present case. The accused No.7 in the judicial custody since from the date of arrest. Detaining accused in the judicial custody amounts to pretrial punishment. The allegations are false, that accused have killed deceased. It is further pointed out that already investigation is completed and charge sheet is filed, hence there is no necessity to keep the accused No.7 in the judicial custody. On these grounds the counsel for the accused No.7 seeks to grant the bail.

15. On the other hand, the prosecution argues that there is a homicidal death of deceased. There are sufficient material that the accused have committed alleged offences.

The investigation is completed and charge sheet is filed. The charge sheet material made out offence against accused herein. The alleged offences have to be proved during the trial, if the accused are granted bail, there is every chances that the accused may tamper the prosecution witnesses. It is also argues that they may flee from the jurisdiction. Hence, the bail application is to be rejected.

16. After hearing the arguments and giving thoughtful consideration to the material placed before this court, the accused No.1 to 5 charge sheeted for the offence punishable U/s. 189(2), 191(2), 191(3), 61, 103(1), 49, 238 RW Sec.190 of BNS. Against accused No.7 charge sheet is filed for the offence punishable under Sec.49, 103(1) RW Sec.190 of BNS. It is alleged that, the accused No.7 along with other accused conspired to eliminate deceased.

17. On perusal of the entire charge sheet material it reveals that the death of deceased is homicidal. As per the PM report there are multiple chop, incised wounds found and there are 21 injuries found on the body of the deceased. Further, in the report regarding cause of death it is opined death is due to hemorrhage and shock as a result of multiple sharp injuries sustained. That apart, in the inquest it is mentioned that, there are multiple injuries on

the body of deceased. If the medical evidence carefully appreciated, death of the deceased is homicidal one.

18. Apart from the medical evidence, the circumstances under which the dead body of the deceased found indicates that, the death of the deceased is homicidal death. If the charge sheet material is carefully looked into, it is alleged that on fateful day deceased was assaulted with sharp edged weapons on his body such as long and dagger.

19. It is alleged that, accused have assaulted and killed deceased. As per the charge sheet accused No.1 to 6 have conspired murder of the deceased. They have planed for the execution of the murder and each accused have got a role in the execution of the plan. As per the charge sheet material accused No.7 herein has informed accused No.1 about the deceased. She also developed animity against deceased as he is intended to marry one Neela cheating on the accused No.7. she has instigated other accused to eliminate deceased. It is to be noted here that, on the information by the accused No.7, accused No.1 to 7 have hatched a plan to eliminate deceased on 05.05.2025 at 1.40 a.m., near Yathin Hotel. The accused No.7 herein is the key person in the commission of murder of deceased. The charge sheet material reveals about her involvement in

the alleged offence. Those allegations are to be proved in the trial by the prosecution. There are circumstantial evidence are also available which can be ascertained from the charge sheet. Prima facie as per the charge sheet material the death of deceased is homicidal death. The offence is so heinous that there are so many assaults on all over the body. As per the medical evidence external injuries are found that means how brutally he was assaulted which can be ascertaining from the photographs of the dead body produced in the charge sheet. The charge sheet material and the circumstances placed in the charge sheet indicates that, accused have committed the alleged offence.

20. At this juncture, the charge sheet material discloses link between death of deceased and accused No.7. However, the facts are subject to proof in the trial. During the investigation, statement of the witnesses are recorded, which indicates prima facie involvement of the accused No.7 in the alleged offence. Further, on perusal of the photographs there is gruesome murder of the deceased. It cannot be said prima facie there is absolutely no material against the accused No.7. It is to be noted that, there are sufficient evidences are available that, accused is involved in the commission of alleged offence. The point raised by the counsel for the accused have to be appreciated during the trial. Hence, at this stage, the point

raised by the counsel for the accused cannot be considered.

21. It is further argued that, the charge sheet is filed against the accused after completion of the investigation, there is no need to detain the accused in the judicial custody. But, at this juncture the charge sheet material reveals the prima facie case against accused No.7. Grounds urged by the accused No.7 can not be considered at this stage. The charge sheet material indicates their involvement in the alleged offence. Merely because investigation is completed, charge sheet is filed by the IO itself cannot be a ground for granting the bail. If the accused No.7 is enlarged on bail, she may tamper the prosecution witnesses or give threat to the complainant. Under such circumstances fair trial cannot be expected holds good. That as per the principles laid down by our Hon'ble Apex Court reported in Supreme Court 2011 (3) SCC (Crime) 765. The gravity and seriousness of the offences involved in the case has to be looked into, it cannot be neglected while passing the bail orders. Therefore, taking into consideration of all these facts and circumstances and the available material at this stage it appears that the accused No.7 has not made out valid and reasonable grounds to consider prayer sought in the application. The accused No.7 is not entitle for bail till

completion of evidence of material witnesses. Hence, application deserves to be dismissed. Accordingly, point No.1 held in the **Negative**.

POINT NO.2:

22. In view of my foregoing discussion on Point No.1, I proceed to pass the following;

ORDER

Bail petition filed U/s 483 of B.N.S.S.
by the accused No.7 is hereby **Rejected**.

(Dictated to the Stenographer directly on computer and then pronounced in the open court on this the **20th day of November 2025**)

[Gururaj Somakkalavar]
III Addl. District & Sessions Judge,
Mysuru.