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SC/154/2025

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

Dated this the 9th day of February 2026

:PRESENT:

**Sri. P.J.Somashekar, B.A. LL.M.,
IV Addl. District & Sessions Judge
Mysuru**

SC/154/2025

Complainant: State by : Metagalli Police
Station, Mysuru.

(By Public Prosecutor)

V/s

Accused: 1. Sri Rajesh K
S/o Krishna,
Aged about 35 years,
Residing at
Presently at
Old Petrol Bunk Building,
Siddalingapura Village,
Kasaba Hobli,
Mysuru .

Permanent Address:-
D.No.28, Next to
Sinchana Mess Parlour,
Siddalingapura Village,
Kasaba Hobli,
Mysuru Taluk,
Mysuru District.

2. Smt.Sumithra
W/o Late Shankar,
33 years,
Residing at:-
Permanent Address
Mandakalli Village,
Jayapura Hobli,
Mysuru Taluk,
Mysuru District.

Presently
Residing at
Old Petrol Bunk,
Siddalingapura Village,
Mysuru .

3. Sri Chandra
S/o Late Nagaraju,
Aged about 37 years,
Residing Presently
in house Behind
Eshwara Temple,
Siddalingapura Village,
Kasaba Hobli,
Mysuru Taluk,
Mysuru District.

(By Sri.K.M.A- Advocate)

::ORDER::

This is a bail application U/s 483 of BNSS filed by the accused No. 1, 2 and 4 and sought for release them on bail in Cr.No. 16/2025 and S.C. 154/2025 of Metagalli Police Station for the offences punishable U/s 103(1) R/w Sec. 3(5) of BNS.

2. **Nut shell of the petition are as under:**

The learned counsel for the accused No. 1, 2 and 4 has filed the instant bail application and sought for release the accused No. 1, 2 and 4 on bail as the Metagalli Police have registered the false case against the accused No. 1, 2 and 4 in their Police station Cr.No.16/2025 for the offences punishable under section 103(1) R/w Sec. 3(5) of BNS, but the accused No. 1, 2 and 4 have not at all involved in the offences which alleged against them either directly or indirectly, but falsely with a malafide intention. There is no prima-facie materials for the alleged offences and the

accused are law abiding citizens and under takes to appear before the court on all hearing dates without fail. Now, the accused persons are in the custody and their presence is not require further investigation or enquiry and the accused persons are the permanent residents of Mysuru District and they are the only bread earner of their family and accused persons are ready to furnish the surety and abide by the any conditions which may be imposed by this court if the accused are continued in the judicial custody their liberty will be curtailed as per the rule the bail is right and the jail is exception and prays for enlarge the accused on bail.

3. The learned Public Prosecutor filed her objections stating that the bail application is not maintainable in law or on facts and the complainant in the complaint has clearly stated that the offences which alleged against the accused are punishable for life and death triable by this court and the I.O. is already registered the case against the accused and visited the spot and drawn the panchanama in the presence of the panchas and seized the material objects which are

used for the commission of the offences and the I.O. is already completed the investigation and filed the charge sheet. If the accused are released on bail there is a chances of tamper or hamper the prosecution witnesses and there is a chances of absconding from the jurisdiction of the court and prays for reject the bail petition.

4. Heard the arguments on both sides.

5. The points that arise for court consideration are as under:

1. Whether the accused No. 1, 2 and 4 are entitled for bail at this stage?

2. What order?

6. 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::

7. **Point No.1:** Before embarking on point No.1, it is

just and necessary to narrate the gist of the case for the proper appreciation of point No.1 as the complainant namely Lokesh M.K. CPC 1033 filed the complaint stating that on 05.02.2025 when he was in a day patrolling duty at Siddalingapura village at about 9.00 a.m. had been to Siddalingapura village proceeding on Mysuru-Bengaluru service road found the public's were gathered in front of petrol bunk by the side of the road, thus rush to the said spot and found the dead body inside the petrol bunk except the underwear there were no other clothes in the said dead body and also found injuries all over the body and the face blood was oozing aged about 35-40 years and came to know that he was already dead and enquired the public's and came to know that the petrol bunk is not running and one Rajesh and Sumithra were unauthorisedly residing in the said petrol bunk and the dead person is also occasionally residing with them and about 2 days back one Jaykumar was also residing with Rajesh and Sumithra, from morning Rajesh, Jaykumar and Sumithra were disappear and they donot know the address of the deceased. On 04.02.2025 in

between 10.00 p.m. to 7.00 a.m. some other reasons took up the quarrel with Rajesh, Jaykumar and Sumithra and assaulted by means of deadly weapon on the head, face and all over the body of the deceased and committed the murder and suspecting against the Rajesh, Jaykumar and Sumithra. Thereby case has been registered against the accused No. 1, 2 and 4 and another accused and when they were waiting near the Naganahalli railway station the Metagalli Police have arrested the accused and produced before the court on 05.02.2025 and 06.02.2025 and they have been remanded to JC. Now the accused No. 1, 2 and 4 have come up with instant bail application on the ground the accused No. 1, 2 and 4 have not involved in the alleged incident either directly nor indirectly and the materials which placed on record are not reflecting about involvement of the accused No. 1, 2 and 4 and accused No. 1, 2 and 4 have falsely implicated in the instant case.

8. The learned counsel for the accused No. 1, 2 and 4 in his arguments has submitted that the accused No. 1, 2 and 4 have not at all involved in the offences which alleged

against them and falsely implicated in order to trouble them based on the false complaint even the materials which placed on record are not reflecting that the accused No. 1, 2 and 4 have involved in the incident nor committed the murder of the deceased except the say of false allegation in the complaint and the statement nothing has been placed to substantiate the same and the accused No.1, 2 and 4 are in the judicial custody from 05.02.2025 and 06.02.2025 and prays for release the accused No. 1, 2 and 4 on bail.

9. Per contra, the learned Public Prosecutor in her arguments has submitted that the bail petition is not maintainable in law or on facts as the materials placed on record are reflects about involvement of the accused No. 1, 2 and 4 in the offences which alleged against them. If the accused No. 1, 2 and 4 are released on bail, there is a chances of absconding from the jurisdiction of the court and there is a chances of tampering and hampering the prosecution witnesses and prays for reject the bail application.

10. It is an admitted fact the case was came to be registered against the accused and another based on the complaint filed by Lokesh M.K. Police constable, Metagalli police station, according to him when he was on patrolling duty found that the public's were gathered infront of the petrol bunk situated at Mysuru-Bengaluru service road by the side of the road and came to know the dead body inside the petrol bunk and suspecting the accused who were residing in the said building prior to the incident. Accordingly, case was came to be registered and arrested the accused when they were waiting in the railway station.

11. The learned Public Prosecutor while canvassing her arguments has much argued that there is no permanent resident to the accused persons and the materials on record are clearly reflects that there are reasonable grounds to believe the guilt of the accused and if the accused persons where released on bail there is a chances of tamper or hamper the prosecution witnesses and there is a chances of absconding from the jurisdiction of the court but whereas the

learned counsel for the accused in his arguments has submitted that the accused persons were residing in the address as mentioned in the charge sheet and there is no chance of absconding from the jurisdiction of the court. So, before considering the arguments advanced by the learned counsel for the accused it is just and necessary to know the offences alleged against the accused, admittedly the I.O. after completion of investigation has filed the charge sheet against the accused for the offence punishable under Sec. 103 (1) of BNS which reads like thus:

SEC. 103 of BNS:

- 1. Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.**

- 2. When a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or**

any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years, and shall also be liable to fine.

The above provision is very much clear if anybody commits murder shall be punished with death or imprisonment for life or imprisonment for a term which shall not be less than 7 years. In the instant if the materials on record are taken into consideration that the accused persons were committed the murder of one Noor Ulla by assaulting by means of deadly weapons.

12. It is an admitted fact the accused are in the judicial custody from 05.02.2025 and 06.02.2025 and charge has not been framed and the case was set down for framing of charge the learned counsel for the accused has filed the instant application and after framing of the charge the trial yet to be began and if the conduct of the accused as per the materials which on record if they were released on

bail there is a chances of absconding from the jurisdiction of the court. So for the proper appreciation of the arguments which advanced by the learned counsel for the accused it is just and necessary to know the exact case as per the voluntary statement of the accused namely Rajesh K., Sumithra, Jaykumar and Chandra @ bunk as stated below:

"ನಾವು ಮೂರು ಜನರು ಸೇರಿ ಸುಮಿತ್ರಳ ಸೀರೆಯನ್ನು ಹರಿದು ಸೀರೆಯ ತುಂಡುಗಳಿಂದ ನೂರ್ ಉಲ್ಲಾನ್ ಕೈಕಾಲುಗಳನ್ನು ಕಟ್ಟಿ ಆತ ಕಿರುಚಿಕೊಳ್ಳದಂತೆ ಆತನ ಬಾಯಿಗೂ ಸಹ ಸೀರೆಯ ತುಂಡನ್ನು ಕಟ್ಟಿ ನಂತರ ನಾನು ಅಲ್ಲಿಯೇ ಬಿದ್ದಿದ್ದ ಒಂದು ಮರದ ದೊಣ್ಣೆಯಿಂದ ನೂರ್ ಉಲ್ಲಾನ್ ತಲೆ, ಹಣೆ, ಮುಖ, ಕಿವಿ, ಮೈಕೈಗೆ, ಕಾಲುಗಳಿಗೆ ಮನಬಂದಂತೆ ಹಲ್ಲೆ ಮಾಡಿದೆ ಅದೇ ರೀತಿ ಸುಮಿತ್ರಳು ನಾವು ತಂದಿಟ್ಟುಕೊಂಡಿದ್ದ ಒಂದು ಆಕ್ಸೆಲ್ ಬ್ಲೇಡ್ ನಿಂದ ನೂರ್ ಉಲ್ಲಾನ್ ನ ಹೊಟ್ಟೆ, ಬೆನ್ನು, ಕೈಕಾಲುಗಳನ್ನು ಕುಯ್ದಳು . ಜೆ ಕುಮಾರ @ ಜಯಕುಮಾರನು ಅಲ್ಲಿಯೇ ನಾವು ಅಡಿಗೆ ಮಾಡಲು ತಂದಿಟ್ಟುಕೊಂಡಿದ್ದ ಒಂದು ಮರದ ಲಟ್ಟಣಿಗೆಯಿಂದ ನೂರ್ ಉಲ್ಲಾನ್ ನ ಹಣೆ, ತಲೆ, ಮುಖ, ಕಿವಿ, ಮೈಕೈಗೆ ಕಾಲುಗಳಿಗೆ ಮನಬಂದಂತೆ ಹಲ್ಲೆ ಮಾಡಿದನು ಹಾಗೂ ಆತನ ಬಲಗೈಯನ್ನು ಮುಷ್ಟಿ ಮಾಡಿ ಆತನ ಕೈಯಲ್ಲಿ ಧರಿಸಿದ್ದ ಉಂಗುರದ ಸಹಾಯದಿಂದಲೂ ನೂರ್ ಉಲ್ಲಾನ್ ಹಣೆ ಮುಖಕ್ಕೆ ಗುದ್ದಿದ್ದನು ಹೀಗೆ ನಾವು ಮೂರು ಜನರು ಸೇರಿ ನೂರ್ ಉಲ್ಲಾನ್ ನ ಹಣೆ, ತಲೆ, ಮುಖ, ಕಿವಿ, ಹೊಟ್ಟೆ, ಬೆನ್ನು, ಕೈಕಾಲುಗಳು ಹೀಗೆ ನೂರ್ ಉಲ್ಲಾನ್ ದೇಹದ ವಿವಿಧ ಭಾಗಗಳಿಗೆ ಮನಬಂದಂತೆ ಮಾರಣಾಂತಿಕವಾಗಿ ಹಲ್ಲೆ ಮಾಡಿದೆವು. ಆಗ ನೂರ್

ಉಲ್ಲಾಹ್ ಬಿದ್ದು ಹೋಗಿ ಆತನು ಮುಖ, ಬಾಯಿ, ಕಿವಿಯಿಂದ ಮತ್ತು ಮೈಕೈಯಿಂದ ರಕ್ತ ಬರಲು ಶುರು ಆಯಿತು ಸ್ವಲ್ಪ ಸಮಯದ ನಂತರ ನೋಡಲಾಗಿ ನೂರ್ ಉಲ್ಲಾಹ್ ಸತ್ತು ಹೋಗಿದ್ದ.”

So, if the averments of voluntary statement of the accused as stated supra are taken into consideration it is clear there are sufficient materials to believe the guilt of the accused though there is no eye witness to the incident but if the voluntary statements of the accused and the averments of the complaint are taken into consideration it is clear the accused persons are not entitled for the bail at this stage at least till examination of material witnesses.

13. The learned counsel for the accused in his arguments has submitted the accused persons are not involved in the case which alleged against them and drawn the court attention on the following judgments:

1. 2020 (2) SCC 118
2. 2021 (3) SCC 712
3. 2012(1) SCC 40
4. 2004 (7) SCC 558
5. 1984(4) SCC 116

6. 2022 (10) SCC 51

7. SPL (Criminal petition) 5407/2024

14. On careful perusal of the said judgment in the said judgments their lordship held that it is the duty of the Appellant court by exercising judicial discipline while granting the order of the bail petition and no materials on record to show that they are prima-facie materials to believe the guilt of the accused. In the instant case if the materials on record are taken into consideration along with complaint and voluntary statement of the accused there are prima facie materials to believe the guilt of the accused though the I.O. filed the charge sheet but yet to record the charge and commence the trial if they were released on bail there is a chances of tamper and hamper the prosecution case and there is a chances of absconding from the jurisdiction of the court. Therefore at this stage the petitioners are not entitled the bail as sought for. Hence, I am of the opinion that point No.1 is answered in the **Negative**.

15. **Point No.2:-** In view of my answer to the point No.1 as stated above, I proceed to pass the following:

::ORDER::

Bail application filed by the accused No. 1, 2 and 4 under Sec.483 of BNS is hereby ***Rejected.***

(Dictated to the Typist directly on computer and then corrected by me, signed and pronounced in the Open Court this the **9th day of February 2026**).

(P.J. SOMASHEKHAR)
IV Addl. District & Sessions
Judge, Mysuru.