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**IN THE COURT OF THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MYSURU**

Dated this the 19th day of September, 2025

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

S.C.No./178/2025

COMPLAINANT : State by Narasimharaja Police Station,
R/by Public Prosecutor,
Mysuru.

(By Public Prosecutor)

V/s

ACCUSED : Syed Habeeb @ Sukka Habeeb
@ amran and others

ACCUSED NO.1 : Syed Habeeb @ Sukka Habeeb
@ Amran,
S/o Syed Farooq,
Aged about 29 years,
R/at Danguru Handli Village,
Malavalli Taluk,
Mandya District.

(By : Sri. S.M.A., – Adv.,)

:: ORDERS ON BAIL APPLICATION OF
ACCUSED No.1 ::

This is the case in which Police Inspector of Narasiamharaja Police Station has filed charge sheet against the Accused No.1 to 6 stating that as there is rivalry between the groups belonging to Shafiq Ahmed Javad and Syed Habib @ Sukka Habibi of Mysuru City, in the year 2015-16 the followers of Syed Habeeb @ Sukka Habeeb have made galata against Shafiq Ahmed Javad for which a case is registered in Mandi Police Station. Thereafter, in the year 2023 the followers of Safiq Ahmed Javad have quarreled with Syed Habeeb @ Sukka Habeeb and case is registered in Devaraja police station. On 15.01.2025 at 7.00 pm, Abdul Bashir Khan and his brother Naveed.M had been to Taj flower decoration shop situated at Shivaji Road were taking with shop owner Ashwak. Thereafter at 8.30 pm., when Rasheed Khan had been towards Ganeshanagara burial ground to attend the nature call, Accused No.6 gave information to Accused No.1 to 5 about the same at that time Accused No.1 to 5 have joined together asked Accused No.5 to stand by the end of Shivaji Road to give signal if others comes and Accused No.1 to 4 went their in motor cycles along with weapons like machete and long and assaulted CW1 with the said weapons due to which CW1 has

sustained simple and grievous injuries thereby Accused No.1 to 6 have committed offences punishable under Sections 126(2), 118(1), 118(2), 189(4), 109 and R/W Sec.190 of BNS. During investigation IO has arrested Accused No.1 to 5 and they are in judicial custody.

2. Now Accused No.1 has filed present bail application under Section 438 of BNSS in which he has contended as under;

Accused No.1 is the innocent and law abiding citizen, he has not committed offences alleged against him and he has been falsely implicated by the police based on vague and unspecific overt act, the name of the Accused No.1 is not mentioned in the original complaint or in FIR. On 07.04.2025 his name has been inserted by omitting name of one Farhan. Further at the time of filing charge sheet Accused No.7 and 8 were dropped for the reasons that there is no evidence found against them. In fact complainant has been discharged from the hospital on 02.02.2025 which shows that there is no danger to the life of the CW1 and allegations made against the Accused No.1 are false and baseless. The present Accused No.1 is in judicial custody from 07.04.2025, he is the only bread earner of his family. He has dependents like aged parents, if he is continued in judicial custody it will cause great hardship to Accused

No.1. Offences alleged against the accused No.1 are not punishable with death or life imprisonment, the Accused No.1 is the resident of address shown in the cause title. He has deep roots in the society. He undertakes not to tamper the prosecution witnesses and appear before the Court regularly till completion of the trial and furnish sufficient surety. Further he undertakes abide by all the conditions that may be imposed by the Court. Hence accused No.1 has requested to release him on bail.

3. To this petition the learned Public Prosecutor has filed objections stating that, there is prima-facie material to show that the present Accused No.1 has committed the offences punishable under Sections 126(2), 118(1), 118(2), 189(4), 109 and R/W Sec.190 of BNS Act. The offences under Section 109 of BNS is punishable with imprisonment up to 10 years and fine. In case if the accused No.1 is released on bail at this juncture there is every possibility of tampering the prosecution witnesses. Accused No.1 is very powerful person, hence it is not proper to grant bail to accused No.1.

4. On the basis of the above facts, the point that arises for my consideration is :

1. Whether the Accused No.1 has made out valid grounds for release him on bail ?

2. What order ?

5. My findings to the above points are as under:

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

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

REASONS

6. **POINT NO.1:-** During the arguments, the learned counsel for the Accused No.1 has argued that, in the complaint name of the Accused No.1 is not mentioned and his name has been falsely implicated subsequently. As the complainant knows the accused No.1 very well, if really accused No.1 was present during the said incident, the complainant ought to have mentioned his name in the complaint itself. Therefore it appears that there is no prima facie material against the accused No.1, name of the accused No.1 has been subsequently inserted in the further statement of the complainant. He has further argued that as there are many witnesses there is every possibility of taking much time for completion of trial. The Accused No.1 is the only bread earning member of his family, he has got old aged parents. The Accused No.1 is ready to furnish sufficient surety and abide by all the conditions that may be

imposed by the Court. Therefore it is necessary to release Accused No.1 on bail by imposing conditions.

7. In support of his contention, counsel for accused No.1 has relied on the following judgment;

1. The judgment of the Hon'ble Supreme Court of India in Cri.Appeal No.____ of 2024 (arising out of Special Leave Petition(Crl.) No.10587/2023).

2. The Judgment of Hon'ble High Court of Delhi in Bail application No.3165/2022 dated 28.12.2022.

3. The judgment of the Hon'ble Allahabad in Cri.Misc. Bail application No.46158/2024 dated 18.12.2024.

4. (2020) 11 Supreme Court Cases 648 in Crl. Appeal No.152/2020 with 153/2020 dated 24.01.2020.

5. The judgment of Hon'ble High Court of Karnataka in Crl. Petition No.3016/2025 dated 30.08.2025.

8. On the other hand learned Public Prosecutor has argued stating that there is prima facie materials to show that Accused No.1 has committed offences alleged against him. In fact he is habitual offender, there are many cases pending against the Accused No.1 in different police stations at Bengaluru and Mysuru. In

case if the Accused No.1 is released on bail, there is every possibility of tampering prosecution witnesses and absconding from the jurisdiction of the Court and also indulging in similar offences. Therefore it is not proper to release the accused No.1 on bail.

9. On perusal of submissions made by the counsel for the Accused No.1 and learned Public Prosecutor and by looking to the material available on record it appears that though learned counsel for the Accused No.1 has argued much about merits of the case, since we are at preliminary stage it is not necessary to discuss more about the merits of the prosecution evidence in detail and who have to consider the prima facie material only. By looking to the complaint and other documents it appears that there is prima facie material available against the accused No.1. Furthermore from the nature of the injuries sustained by the CW1, it appears that the said injuries are life threatening injuries. Furthermore as pointed out by the learned Public Prosecutor there are many cases pending against the Accused No.1. Therefore in case if the Accused No.1 is released on bail, there is possibility of accused No.1 involve in similar offences and absconding from the jurisdiction of the Court. Further as the trial is yet to be commenced if the accused No.1 is released on bail there

is every possibility of Accused No.1 threatening the complainant and other witnesses. Therefore it is not proper to release the Accused No.1 on bail at least till examination of material witnesses. Therefore it is decided to reject the bail application of the accused No.1. Hence, the **Point No.1** is answered **in the Negative**.

10. **POINT NO.2:-** In the result, I proceed to pass the following:

O R D E R

The Bail application filed U/Sec.483 of
BNSS., by the Accused No.1 is hereby
dismissed.

[Dictated to the Stenographer, transcript is thereon corrected, signed then pronounced by me in the Open Court, on this the **19th day of September, 2025**].

(MALLANAGOUDA)
II Addl. District & Sessions Judge,
Mysuru.