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SC/178/2025

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

Dated this the 30th day of December, 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.2 : Sheikh Mohammed Jilan @ Jalan,
S/o Sheik Dowl,
Aged abut 28 years,
R/at #2349, Srinivasa Temple Road,
Mandi Mohalla,
Mysuru City.

ACCUSED NO.3 Mohammed Faraz @ Mental Faraz,
S/o late Mohammed Shafi,

Aged about 25 years,
R/at #249, EWS CTIB Colony,
Near Cube Maseed,
Udayagiri, Mysuru.

ACCUSED NO.4

Mohammed Khudrathi,
S/o late Abdul Razak,
Aged about 35 years,
R/at #115, 1st Cross,
Kalak Nagara,
Kanakapura Taluk,
Ramanagara District.

(By : Sri. S.M.A., – Adv.,)

:: ORDERS ON BAIL APPLICATION OF
ACCUSED No.2 to 4 ::

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, accused No.1 has been released on bail and accused No.2 to 4 are in judicial custody.

2. Now Accused No.2 to 4 have filed present bail application under Section 483 of BNSS in which they have contended as under;

Accused No.2 to 4 are the innocent and law abiding citizen, they have not committed offences alleged against them and they have been falsely implicated by the police based on vague and unspecific overt act. They have been wrongly implicated, charges made against them are unfounded are fabricated evidence, there are

material contradictions in the statements of the alleged eye witnesses, accused No. 2 to 4 are in custody from 17.01.2022, 23.02.2025 and 07.04.2025 respectively. They are the only bread earners of their respective family. They have dependents including old age parents, if they are continued in judicial custody it will cause great hardship to Accused No.2 to 4 and their family members. Offences alleged against the accused No. 2 to 4 are not punishable with death or life imprisonment, the Accused No. 2 to 4 are the residence of address shown in the cause title. They have deep roots in the society. They undertakes not to tamper the prosecution witnesses and appear before the Court regularly till completion of the trial and furnish sufficient surety. Further they undertakes abide by all the conditions that may be imposed by the Court and already accused No.1 has been released on bail. Hence accused No. 2 to 4 have requested to release them 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. 2 to 4 have 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. 2 to 4 are released on bail at this juncture there is every possibility of tampering the prosecution witnesses. Accused No. 2 to 4 are very powerful persons, hence it is not proper to grant bail to accused No.2 to 4.

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

1. Whether the Accused No. 2 to 4 have made out valid grounds for release them 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. 2 to 4 has argued that, there is no prima facie material against the accused No.2 to 4 for offence alleged against them, accused No. 2 to 4 are in custody from more than 6 months and as there are many witnesses there is every possibility of taking much time for completion of trial. The Accused No. 2 to 4 are the only bread earning members of their

respective families, they have got old aged parents. The Accused No. 2 to 4 are ready to furnish sufficient surety and abide by all the conditions that may be imposed by the Court, already accused No.1 is released on bail. Therefore it is necessary to release Accused No. 2 to 4 on bail by imposing conditions.

7. On the other hand learned Public Prosecutor has argued stating that there is prima facie materials to show that Accused No. 2 to 4 have committed offences alleged against them. In fact they are the habitual offenders, there are many cases pending against them in different police stations. In case if the Accused No. 2 to 4 are 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. 2 to 4 on bail.

8. On perusal of submissions made by the counsel for the Accused No. 2 to 4 and learned Public Prosecutor and by looking to the material available on record it appears that though learned counsel for the Accused No. 2 to 4 have 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 we have to consider the prima facie material only. By looking to the complaint and statements of the witnesses and other documents it appears that there is prima facie material available against the accused No.2 to 4. Furthermore from the nature of the injuries sustained by the CW1, it appears that the said injuries are life threatening injuries. Even if accused No.1 is released on bail, the reason for granting bail to accused No.1 is totally different, he has been released on bail for the reason that his name is not found in complaint and FIR. Therefore in case if the Accused No. 2 to 4 are released on bail, there is possibility of accused No. 2 to 4 involving in similar offences, threatening the prosecution witnesses and absconding from the jurisdiction of the Court. Therefore it is not proper to release the Accused No. 2 to 4 on bail at least still examination of material witnesses. Therefore it is decided to reject the bail application of the accused No.2 to 4. ***Hence, the Point No.1 is answered in the Negative.***

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

ORDER

The Bail application filed U/Sec.483 of BNSS., by the Accused No.2 to 4 is hereby **rejected**.

[Dictated to the Stenographer, transcript is thereon corrected, signed then pronounced by me in the Open Court, on this the **30th day of December, 2025**].

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.