

KAMS010068622025



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

**Present: Sri.Gururaj Somakkalavar, M.A., LL.B.,
III Addl.District & Sessions Judge, Mysuru.**

Dated this the 11th day of February, 2026

SC/184/2025

Complainant:

State by Varuna Police Station.

[By Public Prosecutor, Mysuru]

/vs/

Accused No.2:

Anand Kumar.N @ Anandagowda,
S/o Nagaraju,
Aged about 25 years,
R/at University Layout Quatress,
Saraswathipuram, Mysuru.

[By Sri.U.S., Adv]

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

This is an application filed by the accused No.2 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.2 is innocent of the offences alleged against him. He is law abiding citizen, he has not committed any offences as alleged in the complaint. He has to look after aged parents. He is the permanent resident of Mysuru city. He has aged parents and he is working as Coolie in RMC. He is suffering from Low Back Ache and he also taking treatment. The complainant police have completed the investigation and they have not sought for any further police custody of the accused. He is ready to abide the conditions imposed by the court also ready to furnish surety to the satisfaction of the court. If he is not granted bail, his 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 he 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 threaten 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.2 is entitled 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 **Affirmative**

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.5 has also develop animity as the deceased has planned to kill accused No.5 as because the said accused No.5 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. Counsel for the accused No.2 submits arguments that, the present application is pressed on the medical grounds. During the arguments it is pointed out that, the accused No.2 is suffering from L4 & L5 Laminectomy Discectomy and he has underwent surgery. He has to be provided with proper care after surgery and same is not possible in the prison. He can not able to do his daily activities by his own and somebody has to take care him. Hence, the accused No.2 may be released on the medical grounds.

14. The learned PP submits that, though he may underwent surgery there are facilities provided in judicial custody and medical treatment will be given. Hence, there is no necessity to grant him bail.

15. After hearing the arguments and giving thoughtful consideration to the material placed before this court, the accused No.1 to 6 charge sheeted for the offence punishable U/s.189(2), 191(2), 191(3), 61, 103(1), 49, 238 R/w Sec.190 of BNS.

16. 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.

17. 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.

18. 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.2 herein participated in the commission of offence. There are serious allegation against

this accused No.2 that, he and accused No.4 went in scooter and this accused No.2, who has first assaulted deceased and after that, all the other accused assaulted brutally on the deceased. After that, he escaped from the spot. Though there are serious allegation against this accused No.2, but here the point to be considered is that, accused No.2 is suffering from ailment. He was under treatment in the judicial custody. The jail Superintendent submitted report that, the accused No.2 is suffering from Lower back ache and as per the Doctor opinion he has to undergo L4 and L5 Laminectomy Discectomy and he has to be refer to Super Specialty Hospital and on the medical records and request by the jail Superintendent this court by order dated 14.01.2026 granted permission to refer him to surgery. After that, accused No.2 underwent surgery of L4 and L5 Laminectomy Discectomy. Subsequently, he was under treatment and medical records placed on record to that effect.

Further, after surgery he was advise for rest. It is to be noted here that, from the record it appears that, the accused No.2 is suffering from serious health problem of Lower Back and he has to be give proper treatment. It is to be noted here that, the accused No.2 herein is having right for proper treatment and care as he touches his right to life. Considering these aspect and also fact that, in a

judicial custody he might not get sufficient care and food and nourishment. Since, he is suffering from back issue he could not able to do his daily activities on his own and somebody has to assist him for the same and same will not the sufficiently provided in the judicial custody. In the house he might get proper help from the family members. Hence, considering the medical condition of the accused No.2 it is proper the grant him bail for interim period of two months. It is to be noted that, as per the medical advise, which is mentioned in the discharge summary, he required for two months bed rest to recovery himself from his health issue. Hence, considering these medical advise the granting of the bail for two months is proper and correct.

19. It is to be noted here that, it is only for the proper treatment of the accused No.2 the bail is granted for two months and same is not the regular bail or till conclusion of the trial. There are very serious allegations against the accused No.2. Hence, after recovery he has to be taken into custody. It is made clear that, after the interim period of bail the accused No.2 has to surrender himself before the court. He is release for only two months for his medical treatment from the date of receipt of this order. If, the accused No.2 fails to appear before the court bail will be canceled and rest of the bail condition will

apply. With these conditions the application filed by the accused No.2 is allowed only for period of two months. The accused No.2 has made out medical grounds to grant him two months bail. Accordingly, point No.1 is answered in the **Affirmative**.

POINT NO.2:

20. 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.2 is hereby **allowed**.

The accused No.2 is ordered to be released in SC No.184/2025 (Cr.No.95/2025) on executing his personal bond for Rs.1,00,000/- with two sureties for the likesum (out of two sureties, one surety must be the surety of Government servant) for a period of **two months** from the date of receipt of this order on the following conditions.

1. The accused No.2 is released only for a period of two months for his medical treatment from the date of receipt of this order.

2. The accused No.2 after completion of the two months he has to appear before the court and surrender himself. If the accused No.2 fails to appear and surrender before the court, bail will be canceled.

3. The accused No.2 shall not tamper with the prosecution witnesses either directly or indirectly in any manner.

4. The accused No.2 shall not abscond from the ordinary residence and he should furnish the address proof to the concerned police.

5. The accused No.2 shall have to appear before the court on all hearing dates without fail.

4. The accused No.2 shall not indulge in any kind of offence.

5. The accused No.2 shall not leave the jurisdiction of the Court without prior permission of the concerned Court.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

(Dictated to the Stenographer directly on computer and then pronounced in the open court on this the 11th day of February, 2026)

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