

KAMS010074082023



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

Dated this the 24th day of January, 2024

:: PRESENT ::

Sri S.T. Devaraja, B.Sc., LL.B.,
II Addl. District & Sessions Judge,
Mysuru.

SC.No.241/2023

Complainant : State by Alanahally
Police Station.

(Reptd. by the **Public Prosecutor**)

V/s

Accused : Sri.Lokesh Aradhya B.V.,
S/o Sri.Veeranna H.,
Aged about 39 years,
R/at No.10, 1st Floor,
Sarige Nagar,
Mysuru City.

Permanent Address:
No.15, Varuna Layout,
Sutturu Main Road,
Varuna Post,
Mysuru City.

(By **Sri.M.S.N.,** Adv.)

ORDER

Vide bail application under Section 439 of Cr.P.C. the Accused prayed for grant of bail in Cr.No.59/2023 of Alanahalli Police Station (SC.No.241/2023) pending on the file of this Court for the offence punishable under Section 302 of IPC.

2. The Accused has contended the complainant police have registered a case for the offence punishable under Sec.302 of IPC. It is his contention, he is innocent, law abiding citizen and not committed the alleged offence muchless any offence and a false case is registered with an intention to spoil his reputation, he hails from a respectable family and got aged parents. It is his contention, there is no prima facie materials for the alleged offence and the complainant police with an intention to harass have foisted a false case. It is his contention to abide by all the conditions that may be imposed by the Court and to furnish surety to the satisfaction of the Court and undertaken not to tamper the prosecution witnesses and to appear before the Court on all the dates of hearing. With all other grounds, the accused prayed to allow the bail application.

3. By referring to the contents of the charge sheet, the learned P.P., has filed a detailed objection and contended the accused has committed the offence punishable under Sec.302 of IPC., which is non bailable

in nature and exclusively triable by the Court of Session. It is the objection, there is a prima-facie case against the accused and also contended about the necessity of the accused for the purpose of trial and it is also the objection in the event of grant of bail there are every possibility of tampering the prosecution witnesses.

4. By disputing the grounds urged in the bail application, it is the objection under any circumstances the accused is not entitle for bail as he has committed the heinous offence of murder and after completing the investigation the charge-sheet is filed which reveals the involvement of the accused and the commission of the offence. It is also the objection, in the event of grant of bail, there are every possibility of destroying the evidence. By referring to the observations and the principles laid down in the reported decisions, the learned P.P. prayed to reject the bail application.

5. Heard. Perused the entire record and the decisions.

6. The only point that arises for my consideration is;

- 1) Whether the accused has made out sufficient grounds for grant of bail?
- 2) What Order?

7. My findings on the above points are as hereunder;

Point No.1: **Negative**

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

REASONS

8. **POINT No.1:-** By referring to the contents of the complaint, charge sheet and the bail application, it was the submission of the learned Advocate for the accused, the accused is continued in judicial custody since from the date of registering the crime and there is no necessity of custody as the investigation is already completed and charge sheet is filed. It was the submission, as per the case of the prosecution it is alleged the son of the accused has witnessed the incident, but no complaint came to be lodged through him and on the other hand a false complaint came to be lodged through the CW.1 he is not a witness to the incident. It was the submission about the strained marital relationship of the accused with the deceased and contended the accused has not at all committed the offence.

9. It was the submission, after completion of investigation the charge sheet is filed and as per the contents of the charge sheet no direct allegations are made against the accused and there was no involvement

of the accused. It was the submission, in the event of grant of bail the accused is ready to co-operate with the trial. It was the submission, the accused is ready to abide by any conditions and to furnish the surety to the satisfaction of the Court, hence, prayed to allow the bail application.

10. By referring to the contents of the charge sheet and the objection, it was the submission of the learned P.P., that the accused has committed heinous offence of murder of his wife by suspecting the character which is non-bailable in nature and triable by the Court of Session. The accused is charge sheeted for the offence and he is the sole accused and it cannot be said that he has not committed the offence. It was the submission, under any circumstances the accused is not entitle for bail as there are every possibilities of tampering the witnesses and he may not available for trial. The learned P.P has referred to the reported decisions and by referring to the observations and the principles laid down thereunder prayed to reject the bail application.

11. On consideration of the materials available on record, on the complaint of Sri.Gurudava Aradhya.B.N, a case is registered against the accused for the offence punishable 302 of IPC., which is non bailable in nature and triable by the Court of Session. As laid down in

various reported decisions without taking into consideration of the merits of the matter that the contents of the charge-sheet prima-facie reveals the involvement and commission of the offence by the accused. It is forthcoming from the complaint about the relationship between the accused and the deceased as husband and wife. It is forthcoming from the record that the accused has suspected the character of his wife of having illicit relationship and on that guise that on 13.06.2023 quarreled with his wife for silly reasons and in the early morning of 14.06.2023 he has committed the offence by making use of pillow. As per the contents of the charge sheet the son of the accused has witnessed and narrated the incident. In the case on hand, on the particular date except the accused no other person or persons present in the house of the accused and that he alone has to explain the cause of death of his wife.

12. As contended by the prosecution, the overall contents of the charge sheet reveals prima facie case against the accused and it cannot be said that the accused was not involved in the commission of the offence as he is the sole accused. The observations and the principles laid down in the decisions referred to and relied upon by the learned P.P are applicable to the facts and circumstances of the case on hand, accordingly, the accused is not entitle for bail. It is necessary to

mention, the completion of investigation and continued judicial custody is not a ground for grant of bail and this Court is of the opinion that the act of the accused is highly condemnable and under any circumstances the accused is not entitled for bail particularly for having committed the offence punishable U/Sec. 302 of IPC.

13. In view of the nature of the offence, this Court is of the opinion in the event of grant of bail there are every possibilities of posing threat to the prosecution witnesses and destroying the evidence. In view of the nature of the offence, this Court is also of the opinion in the event of grant of bail there are every possibilities of posing threat to the prosecution witnesses. By taking into consideration of the observations and the principles laid down in the decisions reported in; 2017 (5) SCC page 406, ILR 2016 page 1516, 1978(1) SCC 240, 2021(6) SCC Page 230, 2002 (3) SCC 598, CrI. Appeal No.833/2021, SCC (Cri) 2016(3) Page 685, SCC (Cri) 2011(3) Page 765, 1987 (CrI.L.J) Page 1872 and SCC 2020(2) Page 188, this Court is of the considered opinion the accused is not entitled for grant of bail.

14. The offence alleged against the accused clearly indicates that the accused has no apprehension of law as he has committed heinous offences and when such being the facts, it is not safe to release the accused on bail at this stage. As stated above having regard to

all these facts and circumstances, this Court is of the opinion, there are no reasonable and sufficient grounds which warrant this Court to enlarge the accused on bail at this stage. Hence, the bail application is liable to be rejected as devoid of merits. Accordingly, I answer the Point No.1 in the **Negative**.

15. **POINT No.2:-** In the result, I proceed to pass the following:-

ORDER

The bail application filed U/Sec.439 of Cr.P.C., by the Accused – Sri.Lokesh Aradhya B.V., is hereby **REJECTED**.

[Dictated to the Stenographer, directly on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **24th day of January, 2024**].

(S.T.DEVARAJA)

II Addl. District & Sessions Judge,
Mysuru.

