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SC/252/2025

**BEFORE THE COMMERCIAL COURT & II ADDL.
DISTRICT & SESSIONS JUDGE AT: MYSURU.**

Dated this the 14th day of January, 2026

:: PRESENT ::

**Sri Mallanagouda, B.Com., LL.M.,
Presiding Officer,
Commercial Court &
II Addl. District Judge, Mysuru.**

S.C.No.252/2025

COMPLAINANT : State by Yelwala Police
Station,
Mysuru.

(By : Public Prosecutor)

-Vs-

ACCUSED : Ravi K,
S/of Krishnegowda,
Aged about 42 years,
R/at Ananduru Village,
Yelawala Hobli,
Mysuru.

(By : Sri. K.S.N., - Adv.,)

**ORDERS ON BAIL APPLICATION FILED BY ACCUSED
UNDER SECTION 483 OF BNSS**

This is the case in which Police Inspector of Mysuru
Circle has filed charge sheet against the accused for the

offences punishable under Section 115(2), 118(1), 118(2), 109 and 103(1) of BNS in which during investigation IO has arrested the accused and he is in judicial custody.

2. **The brief facts of the case are as under:-**

It is the case of the prosecution that accused and deceased Mahesha are the brothers and sons of CW-3 Krishnegowda, CW-3 has effected partition between the accused and deceased in the ancestral properties and he kept some lands for his own use and when CW.3 fell ill, deceased and his wife have taken care of his treatment, due to which he gifted land in Sy.No.1025/4 measuring 6 ½ guntas of Belagola Village in favour of deceased Mahesha, because of which accused developed ill-will against his brother and father, due to which on 01.09.2025 he questioned CW-3 and quarreled and assaulted him with Machete and thereafter he went to the house of deceased Mahesha, firstly assaulted CW.2 with Machete and then he murdered deceased Mahesha by said Machete only. Thereby accused has committed offence under sections 115(2), 118(1), 118(2), 109 and 103(1) of BNS.

3. Now the accused has filed bail application under Section 483 of BNSS in which he contended as under;

4. The accused is innocent and law abiding citizen, he has roots in the society. He has not committed alleged offences, he is having old aged parents. Accused is only bread earner in his family. He has to look after his family members. If he is kept in the judicial custody, great hardship will be caused not only to him but also to his family members. Accused is having movable and immovable properties, those alleged offences are triable by this court. Accused is ready to furnish sufficient surety and not to temper the prosecution witnesses or leave the jurisdiction of court without prior permission of this court. He undertakes not to tamper the prosecution witnesses, therefore it is necessary to grant bail.

5. On the other hand learned Public Prosecutor has filed objection stating that there is prima facie

material to show that accused has committed offences under Sections 115(2), 118(1), 118(2), 109 and 103(1) of BNS. Offences alleged against the accused are very serious. Offence under Section 103 of BNS is punishable with life imprisonment or death sentence. In case if accused is enlarged on bail at this juncture there is every possibility to tamper the prosecution evidence and absconding from the jurisdiction of this court. Merely because charge sheet is filed, accused cannot be released on bail. Therefore, application filed under Section 483 of BNSS by the accused is liable to be rejected.

6. Heard and perused the entire record.

7. The points that arises for my consideration are as here under :

1. Whether the accused has made out valid grounds for release him on bail under Section 483 of BNSS ?

2. What order ?

8. My finding on the above point is as hereunder ;

Point No.1 : In the Negative
Point No.2 : As per final order
for the following;

:: REASONS ::

9. **POINT No.1**: During arguments learned counsel for the accused has argued stating that there is no prima facie materials to show that accused himself has committed murder of deceased Mahesha. Already charge sheet is filed and accused is in judicial custody from more than 4 months. Accused is ready to furnish surety and abide by the condition, he has got dependent and there is possibility of taking much time in completing the trial. Therefore it is necessary to release the accused on bail.

10. On the other hand learned Public Prosecutor has submitted arguments stating that there is prima facie material to show that accused has committed offence under sections 115(2), 118(1), 118(2), 109 and

103(1) of BNS, offence under Section 103 of BNS is very serious offence, accused has murdered his own brother. In case if accused is released on bail at this juncture, there is every possibility to threaten the prosecution witnesses and absconding from the jurisdiction of the court, so as to cause the delay in completing the trial, therefore it is not proper to release the accused on bail.

11. On perusal of the material available on record and submissions of counsel for the accused and Public Prosecutor it appears to me that there is prima facie material to show that the accused has committed the offence alleged against him. Furthermore offences under Section 103 of BNS is punishable with life imprisonment or death sentence and still trial has to be commenced. In case if accused is released on bail at this juncture there is every possibility of accused tampering prosecution witnesses as apprehended by learned Public Prosecutor. Therefore merely because charge sheet is filed and

accused has dependents it is not proper to release the accused on bail. Even if learned counsel for the accused has submitted that there is possibility of taking much time for trial as CW.1 - 3 are the complainant and eye witnesses to the alleged offence, it is not proper to release the accused on bail atleast till examination of CW.1 to CW.3. Therefore it is decided to reject the bail application of the accused. ***Hence point No.1 is answered in the Negative.***

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

ORDER

The application filed by the accused under Section 483 of BNSS. is rejected.

[Dictated to the Stenographer, transcribed & computerized by her, transcript revised, corrected and then pronounced by me in the open Court on this the **14th day of January, 2026**].

[MALLANAGOUDA]
Presiding Officer,
Commercial Court & II Addl.
District & Sessions Judge, Mysuru.