



**IN THE COURT OF THE III ADDL. DIST & SESSIONS JUDGE,
RAMANAGARA**

PRESENT:

**Smt. M. Panchakshari, M.Com., LL.B,
I Addl. Dist. & Sessions Judge, Ramanagara.
C/c III Addl. Dist. & Sessions Judge, Ramanagara.**

Dated this the 11^h day of September, 2025

S.C.No.46/2025

Complainant : The State,
By Ramanagara Town P.S.

(By P.P., Ramanagara)

Vs.

Accused No.2 : Jeeshan @ Syed Mubarak,
Aged 26 years,
S/o. Sayed Abzal,
R/at: Opposite Abubkar Masidi,
Pholl Bhagh,
Ramanagara.

(By Sri.M. P., Advocate)

O R D E R

The applicant/accused No.2 had filed this bail application U/Sec.483 of BNSS, 2023, for his enlargement on bail.



2. The brief facts of the accused is as follows:

The bail application is filed on behalf of the accused No.2 seeking his enlargement on bail. It is contended on behalf of the accused that Ramanagara Town Police had registered Cr.No.41/2025 against accused and another for the offence punishable under Sections 103(1) & 3(5) of BNS, 2023. On 29.03.2025 the accused No.2 voluntarily surrendered before the jurisdictional court and he was remanded to judicial custody. On completion of investigation the complainant police had submitted charge-sheet against the accused No.2 and two others for the offence punishable U/Sec.103(1), 61 & 3(5) of BNS, 2023.

3. It is the contention of the accused No.2 that, on 29.03.2025 at 10.30 p.m., the complainant one Mohammed Sameer, the son of the deceased had lodged the complaint stating that, the deceased was a business man and he was also helping the localities to get the documents of their properties from the Municipal Office and Taluk Offices. On the same day at 08.45 p.m., some person came to the complainant's house and informed that the accused No.1 & 2 were altercating/quarreling with the deceased near a kabab shop situated at Akram Building immediately, the complainant rushed to the spot



and noticed that accused No.2 caught hold the deceased and accused No.1 stabbed/injured the deceased on his hands and abdomen and by seeing the complainant accused persons ran away from the spot. Immediately, the deceased was shifted to Ramanagara Government Hospital. The Doctor who examined the deceased advised him to take the deceased to Bangalore Hospital for better treatment, while on the way of shifting the deceased to Bangalore Hospital he lost his breath and after returning to Government Hospital, Ramanagara the body of the deceased is kept in the mortuary later, the complainant lodged the complaint.

4. It is further contention of the accused No.2 that, he is entirely innocent of the charge levelled against him and he had got valid and tenable defence. The CW-2, Abdul Mujhid Pasha & CW-3 Chand Pasha are the eye witnesses to the incident. When they went to the spot the accused No.2 showed some papers to the deceased and questioned the same as why he had changed the documents of the property belongs to his father and uncle in favour of one Irshad and he had caught hold the shirt collar of the deceased. At that time the eye-witnesses interfered and neutralized the Galata and advised the accused No.2 to discuss the matter by sitting so, the accused No.2 told that the deceased had mutated his father and uncle's property documents in



favour of Irshad, at that time suddenly the accused No.1 came with a knife and stabbed on the hand and abdomen of the deceased and the deceased fell down then both the accused ran away from the place. The accused No.2 had not at all inflicted any fatal injury to the deceased and he is not at all responsible for the death of the deceased. The accused No.2 is doing silk business and he is a permanent resident of Phool Bagh having old parents to look after and having deeproot in the society. He is ready to offer solvent surety to secure his presence before this court on all dates of hearing and he will abide by any conditions that would be imposed by this court. There are no reasonable grounds to believe that he had committed an offence punishable with death or imprisonment for life. Hence, prayed for allow the bail application.

5. The above bail application is opposed by the prosecution and the Learned P.P. had filed the objections wherein prayed for dismissal of bail application. It is contended that, the Ramanagara Town Police had registered the case against the accused and others in Cr.No.41/2025 for the offence punishable under Section U/Sec.103(1), 61 & 3(5) of BNS, 2023 and on completion of investigation final report is filed and case is registered in S.C.No.46/2025.



6. It is further contended by the learned P.P. that, the case is based on direct eye-witness evidence which suffice to say the prima-facie case against the petitioner. The clear motive for the crime had been attributed through collected material and requisite element for crime had clearly established through accompanying document of final report. The contention canvassed in bail plea are subject matter of trial as the parameters for consideration of bail is totally defer from parameters of trial thereby the grounds canvassed in bail plea are not considerable one. Since the offence punishable with the capital punishment, the gravity of the offence is considerable fact at this stage. The detention period of Accused is required to continued as he involved in brutal murder of deceased consequent to which the society and public at large had been stunned, thereby consequences of the crime on the society is considerable fact at this stage while balancing the right of the accused. The collected materials along with statement of eye witness are suffice it to say the involvement of the Accused in the crime. The contention canvassed in Para no 5 of bail plea that Accused no 2 not at all inflicted any fatal injure to the deceased is admitted fact of involvement of Accused No.2 in the crime, but since he had been prosecuted along with 3(5)of BNS he is vicariously liable for act of all the Accused. The overt act attributed against the present petitioner had been clearly



established involvement of the petitioner in the crime. The means used for the crime manner in which the crime had been executed is sufficient to establish the prima facia case against the petitioner. The injury caused by the petitioner on the vital part of the deceased which clearly establishes the intention to commit the crime. Since, the crime is based on statement of eye witness, it required the consideration of crime in a different angle as the statement of eye witness got more legal sanctity while place the prima facia cased against the petitioner. The case is based on both eye witness as well as circumstantial witness, thereby there is clear material had been placed with respect to prima facia case against the petitioner. The crime committed by the petitioners is an afterthought and well designed with deliberate intention. The entire prosecution case is based on direct evidence, recovery as well as electronic document which clearly demonstrate the involvement of the petitioner in the crime. The petitioner is strong by both muscle power and money power so, if the petitioner is released on bail, he will hamper the prosecution witness and tamper the investigation, as the further probe is on and he will indulge in similar offence in future days also and he will abscond and protract the trail. Hence, prayed for dismissal of the bail application.



7. Heard the learned counsel for the accused No.2 and also the learned Public Prosecutor for the State.

8. The following points arise for court consideration;

1) Whether the applicant/accused No.2 makes out sufficient ground for his enlargement on bail Sec.439 of Cr.P.C.?

2) What order?

9. The findings of this court on the above points are as under;

Point No.1:- In the Affirmative.

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

REASONS

10. **Point No.1**:- That there are all together 3 accused in the case, whereby as offence is triable by the Court of Sessions, Prl. Senior Civil Judge and JMFC, Ramanagara had committed the crime in CC.No.108/2025, whereby the offence alleged against the accused No.1 to 3 are punishable U/Sec.103(1), 61, 3(5) of BNS, all the accused are in JC. There are all together 33 witnesses in the case, the offence



U/Sec.103(1) of BNS is punishable with death or imprisonment for life. The grounds on which accused No.2 had sought for his enlargement on bail is that, CW-2 Adbul Mujhid Pasha and CW-3 Chand Pasha are said to be the eye-witnesses to the incident and their statement discloses that, on the alleged date of incident at about 05.45 p.m., those two witnesses had gone to the Kabab Shop to eat Kabab, at that time the deceased came with his scooter and he was talking to CW-2 & 3 at that juncture accused No.2 came and showed some papers to the deceased and questioned the deceased as why he had changed the property belonging to his father and uncle in favour of one Mr. Irshad. Further it is alleged in their statement that, he caught hold of shirt of the deceased at that time CW-2 & 3 interfered and neutralised the galata and told the accused No.2 to discuss the issue between them and decide the matter. At that time accused No.1 came with a knife suddenly stabbed the deceased and when the deceased fell down both the accused ran away from the spot. So, it is the contention of the accused No.2 who had filed this bail application that, he had not at all inflicted any fatal injuries to the deceased and he is not at all responsible for the death of the deceased. The prosecution had raised the objection stating that, offence U/Sec.3(5) of BNS is invoked which is with regard to the common



intention so, when there was common intention particular act cannot be bifurcated.

11. Counsel on behalf of applicant/accused No.2 had relied on below referred case law.

1. 2018(1) AKR 176 (Shankara Vs. State of Karnataka).

2. 2016(1) AKR 266 :: (2016) 2 KCCR 1868 (Ankanappa & Ors. Vs. State of Karnataka).

3. 2016(1) AKR 408 :: (2016) 2 KCCR 1110 (Mallikarjun & Ors. Vs. State of Karnataka).

The case law referred above reported in 2018(1) AKR 176 is with regard to granting bail on the ground of parity. But here who had been granted bail to seek parity is not forthcoming as all the 3 accused are in J.C. Even the case law reported in (2016) 2 KCCR 1868 is based on the fact of bail having granted in similarly placed accused having already granted bail. Further in the case law reported in (2016) 2 KCCR 1110 the bail is granted to the accused on the ground that he had no criminal antecedents and injured person had recovered and they were out of hospital.

12. Here in this case, the death is caused and as per the prosecution papers the accused had stabbed the



deceased and he scrambled to death. Further the common intention of accused No.1 to 3 is also alleged in this case. The person who sustained injury died on the way to the hospital. The prosecution had seriously opposed the bail petition on the ground that, all the accused persons are jointly liable and there being vicarious liability, there is involvement of all the 3 persons now, individual overt-act cannot be bifurcated. There is conspiracy and meeting of mind is a point which is raised by the prosecution. Hence, taking into consideration the averments in the complaint and the severity of the punishment and there being the eye-witness to the incident as the offence U/Sec.103(1) of BNS is punishable with death or imprisonment for life. As the charge is not yet framed and also material witnesses are not examined. At this stage, this court does not find any reasonable grounds to enlarge the accused No.2 on bail. In the circumstance, I hold above point in **Negative**.

13. **Point No.2**:- In view of the discussions made supra, this court proceeds to pass the following;

ORDER

The bail application filed by the applicant/
accused No.2 under Section 483 of BNSS,
2023, is hereby rejected.



(Dictated to the Steno Grade-III, thereof transcribed and typed by her and after corrections, printout taken and then pronounced and signed by me in the open Court, on this the 11th day of September, 2025)

(M. Panchakshari)
C/c III Addl. Dist. & Sessions Judge,
Ramanagara.