

**IN THE COURT OF THE I ADDL. DISTRICT AND
SESSIONS JUDGE, RAMANAGARA**

:Present:

Sri.Umesh Moolimani., B.Com., L.L.M.,
I Addl. District and Sessions Judge,
Ramanagara.

Dated this the 15th day of February 2018

Spl.C.No.181/2017

Complainant:

State of Karnataka by
Tavarekere police station.
(Rep. Public Prosecutor, Ramanagara)

-Vs-

Accused No.3

Abhishek.H.M.,
S/o. late Manjunath,
Aged about 23 years,
R/at Hodake Hosahalli Village,
V.Pura Hobli,
Channapatna Taluk,
Ramanagara District.
(By Sri.D.N.H. Advocate)

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ORDERS ON BAIL APPLICATION FILED UNDER
SECTION 439 Cr.P.C.

The Accused No.3 Abhishek.H.M. has filed the bail application U/sec.439 of Cr.P.C.

2. The brief facts of the case of the prosecution:

The accused No.2 after marriage left her husband and thereafter married the deceased Hemanthkumar. After two years due to some differences in the family, left Hemanthkumar and married accused No.1. Due to that ill will, in order to commit murder of the deceased Hemanthkumar, accused No.1 with the assistance of accused No.2 and 3 by consuming liquor to the deceased, took him to gudda pradesha near Thippagondahanalli and A.1 put stone on the head of Hemanthkumar and committed murder. With this background Cr.No.303/2017 for the offences punishable u/s 363, 302, 201 of IPC and u/s 3(2)(va) of SC/ST, Act. 2015 is registered.

3. Grounds urged in the bail petition are:

He is totally and entirely innocent about the facts of this case, he is nothing to do with the alleged incident. He is law abiding and peace loving citizen of this country

and come from good and respectable family. He is the only bread earning member in his family, consisting of large number of members. The accused undertakes to abide by all the conditions, that may be imposed and ready to furnish surety to the satisfaction of the Court in the event of grant of bail. Hence, prayed to grant bail.

4. Per contra, the learned P.P. has filed objections and contended that, the investigation has completed. There are prima-facie materials against this accused. At this stage, if the accused is released on bail, she will threaten the complainant and prosecution witnesses, may flee from justice and they will commit similar type of offence. Hence, prayed to reject bail.

5. Heard the arguments.

6. Now the points that are arisen for the due consideration of this court are:

1. Whether the accused No.3 has made out prima-facie case to grant bail?
2. What order?

7. My findings to the above points are:

Point No.1: In the Negative

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

REASONS

8. Point No.1: The counsel for the accused No.3 has argued that, the accused No.3 is innocent; not committed any alleged offence; he is peace loving citizen and peace loving person; hails from respectable family; he has been falsely implicated in this case, none of the witnesses have stated against this accused and what is his participation; in the absence of required material, there is no prima-facie that, he has involved in the case; further he is the only bread earning member in the family; he has got dependents; he is the permanent resident of the address given in the cause title; he is ready to abide all the conditions, which may be imposed against him; so also furnish the surety to the satisfaction of this Court. Thus, prayed to allow the bail application.

9. To refute this argument, the learned P.P. has argued that, the offence alleged against the accused are grievous

in nature, heinous in nature. The way in which they have committed the offence speaks that, how cruel they are, as such the participation of this accused is also clearly establishes, prima-facie, they are to be tried for the offence; if he is released on bail, he may abscond; he may threaten the prosecution witnesses; so also he may influence them. Thus, the application may be rejected.

10. Perused the records. The offences are heinous in nature. So also the manner in which they have committed the offence prima-facie, goes to show that, the accused shall be tried for the offence alleged against him. If he released on bail, the further progress of the case may affect. Looking to the gravity of the offence and also the grounds urged are not inspiring me that, he shall be released on bail. Thus, I answer point No.1 in the Negative.

11. Point No.2: For the foregoing reasons and discussion, I pass the following:

ORDER

The bail application filed by accused No.3 under
Section 439 Cr.P.C., is hereby rejected.

(Dictated to the Judgment Writer from the reasonings, transcribed and
computerised by her, corrected, signed and then pronounced by me in the
open court on this the 15th day of February 2018)

(Umesh Moolimani)

I Addl. District and Sessions Judge,
Ramanagara.

15.02.2018

State by : P.P.

A.1/JC : S.L.

A.2/JC : KNK

A.3/JC : D.N.H.

For orders

Order pronounced in the open court and the following order is passed:

ORDER

The bail application filed by accused No.2 under Section 439 Cr.P.C., is hereby rejected.

**I Addl. District and Sessions Judge,
Ramanagara.**

ORDER

The bail application filed by accused No.3 under Section 439 Cr.P.C., is hereby rejected.

**I Addl. District and Sessions Judge,
Ramanagara.**