

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

**:Present:**

**Sri.Umesh Moolimani, B.Com., L.L.M.  
1st Addl.District and Sessions Judge,  
Ramanagara**

**Dated this the 18<sup>th</sup> day of January 2018**

**S.C.103/2017**

**Complainant:**

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

- V/s. -

**Accused No.7:**

Yogesh Kumar @ Dumsi,  
S/o. late Gangaiah,  
Aged about 22 years,  
R/o. Benson Town,  
No.68m 5th Cross,  
1st Main,  
Vrushabhavathinagara,  
Kamakshipalya,  
Bengaluru.

**(By Sri.K.V.K., Advocate)**

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

The Accused No.7 Yogesh Kumar has filed the bail application U/sec.439 of Cr.P.C.

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

It is alleged by the complainant that, his son Naveen Kumar who went to play wally-ball with his friends at about 1.00 afternoon, did not turn up till 6 p.m. in the evening. He came to know from Ashok and his younger son Prajwal that, at about 5.50 p.m. when they were playing 10-12 persons came in 3-4 motor bikes with deadly weapons and tried to assault the deceased. When he escaped and run towards Chikkanna's house, the accused persons chased him and assaulted on his head, back, neck, shoulder and hands with longs and escaped towards Magadi Road. The deceased succumbed to injuries at Fortis Hospital. With this background Cr.362/2016 attracting offences 143, 147, 148, 120B, 302 r/w.149 of IPC is registered.

3. The grounds urged in the bail application are that:

The accused is totally and entirely innocent. He is a law abiding and peace loving citizen of this country and come from good and respectable family, having good respect in the society. He is the only bread earning member in his family, consisting of large number of members. He is ready to abide by all the condition that may be imposed, and ready and willing to furnish surety in the event of grant of bail. Hence, prayed for bail.

4. Objections of the Prosecution:

There are prima-facie materials against this accused. The said offence is very heinous. The grounds urged are not valid grounds. At this stage, if he is released on bail, he may come in the way of further investigation and may abscond. Hence, prayed to reject the bail petition.

5. Heard the arguments of both side.

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

1. Whether the accused No.7 is entitled for 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 has argued that, in the instant case at the crime stage, this accused had obtained the anticipatory bail order in Crl.Petn.No.6612/2017; but meantime this accused was arrested in another case and he was in judicial custody; thereafter the respondent police have obtained body warrant and secured his presence and produced him before the jurisdictional JMFC Court; in turn JMFC Court has taken into custody and committed the case; thus the present application came to be filed. Further argued that, the accused is innocent; not committed any such alleged offence; not involved in the case as alleged; in spite of it, he has been falsely implicated in this case; he is law abiding persons; he is the only bread earning member; he is ready to abide all the conditions, which may be imposed against this accused. Further argued that, already accused Nos.1,2,4 to 6 and 8 to 11 of this case are on bail; therefore as a matter of parity the bail application may be allowed in the interest of justice.

9. To refute this argument, the learned P.P. has argued that, the very facts narrated in the bail application itself is sufficient that, this accused not only involved in this case; but he has also involved in many other cases of this nature; when the application itself is self explanatory, the question of law abiding person doesn't acceptable; therefore, the accused No.7 not entitled for the bail; if he released on bail, he may abscond; he may commit similar offence. Thus, prayed to reject the bail application.

10. Perused the records. The offence alleged against this accused along with others are heinous in nature. Further it is evident from the application that, he has also been involved in many other cases. Therefore, his presence has been secured when he was arrested in another case by getting the information of the same. The concerned police have obtained the body warrant and secured his presence in this case. These all the factors . taken into consideration, it is crystal clear that, the prosecution has placed material evidence against this accused along with others. The alleged offences are punishable with capital punishment, since the accused have committed murder. In view of the materials placed before the Court by the police, prima-facie goes against

the accused. if he released, he may abscond, he may tamper the prosecution witnesses. Only because the other accused have been released, it is not the mandatory rule that, this accused shall also be released on bail. Therefore, considering all these facts on record, I am of the clear opinion that, the accused No.7 not entitled for the bail. Accordingly, I answer point No.1 in the Negative.

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

**ORDER**

The bail application filed by the accused No.7 U/s 439 of Cr.P.C. is hereby rejected.

(Dictated to the Judgment Writer from the reasoning, thereof transcribed and computerized by her, corrected, signed and then pronounced by me in the open court on this the 18<sup>th</sup> day of January 2018)

**(Umesh Moolimani),**  
1st Addl.District and Sessions Judge,  
Ramanagara.

**18.01.2018**

State by : P.P  
A.7/J.C : K.V.K.

**For Ord**

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

**ORDER**

The bail application filed by the accused No.7  
U/s 439 of Cr.P.C. is hereby rejected.

**1st Addl.District and Sessions Judge,  
Ramanagara**