



IN THE COURT OF III ADDL. DISTRICT & SESSIONS JUDGE
AT TUMAKURU

PRESENT :

Nagireddy.A, BA.L., LL.B, LL.M.,
III Addl. Dist. & Sessions Judge,
Tumakuru.

Criminal Mis.No.1036/2026

Dated this the 1st day of August 2026

Petitioner	Gangadhar V. S/o Venkatesh, Aged about 30 years, R/o. Behind Sumathi School, C M Badavane, Tumakuru. (Accused No.1)
	(By Sri. B.K.P.S., Advocate)

V/s

Respondents:	1. State by N.E.P.S police station, 2. Puspha D.M. W/o Mayanna Gowda, Aged about 24 years, R/at 10th Cross, Vidhya Nagara, Tumakuru Town. 3. Narasimhaiah, S/o Late Sheetikadraiah, Aged about 58 years, R/at Hulikere Village,
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	Dandinashivara Hobli, Turuvekere Taluk, Tumakuru District.
	(R.1 by learned Public Prosecutor (R2 & 3 in person)

ORDERS

The petitioner has filed this petition under Section 439 of Cr.P.C. R/w Sec.483 of B.N.S.S. seeking regular bail in Crime No. 51/2023 (Special Case No. 541/2023) registered by Respondent No.1 police for offences punishable under Secs.302 & 201 of IPC and Sec.3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short herein after referred as **SC & ST (POA) Act**).

2. It is the case of the petitioner that he is innocent of the alleged offenses and that he has been falsely implicated in this case. He is the sole breadwinner of his family, and all of his family members depend on his income. His name was not mentioned in the complaint or the FIR at the initial stage. The investigation of



the case has been completed, and a charge sheet has been filed. Therefore, he is not required for further custodial interrogation. The prosecution has already examined the material witnesses, so the possibility of tampering or hampering the evidence does not arise. Furthermore, he states that he has been in judicial custody for the past three years. He undertakes to abide by any conditions that may be imposed on him if regular bail is granted. Accordingly, he prays for the grant of regular bail.

3. The respondent No.1/prosecution has filed objections, pleading the facts of the case and stating that, prima facie there are reasonable grounds to believe that the petitioner has committed the offence alleged against him. Therefore, if he were to be enlarged on bail, he is likely to abscond and threaten the prosecution witnesses directly or indirectly. The earlier bail petitions filed by the petitioner were rejected and no changed circumstance has been made out by the petitioner for granting



regular bail. Accordingly, the prosecution prays for rejecting the bail petition.

4. Respondent No.3, who is the father of the deceased filed his objection stating that, if the petitioner were to be enlarged on bail, he is likely to threaten them and destroy the prosecution evidence. Hence, he prays for rejecting the bail petition.

5. Having heard, the following point that arise for my determination:

“Whether the petitioner is entitled to be enlarged on regular bail U/sec.439 of Cr.P.C. R/w Sec.483 of B.N.S.S.?”

6. My answer to the above point is in the **Negative**, for the following;

REASONS

7. Admittedly, the investigation into the case has been completed and a charge sheet has been filed against the petitioner herein. According to the prosecution, the deceased,



Kumari Veena, belonged to the Adi-Dravida caste, which is classified as a Scheduled Caste, whereas the petitioner is not a member of a Scheduled Caste or Scheduled Tribe. The deceased, Veena, was employed at In Cap Company, located in the Industrial Area of Hirehalli, Tumakuru. She resided in a rented house owned by CW.16, situated at 10th Cross, Vidya Nagara, Tumakuru Town, where CW.2 also lived. The petitioner was acquainted with the deceased and had borrowed loans from her: Rs.9,000/- in November 2022, Rs.1,200/- on January 27, 2023, and Rs.5,000/- on February 10, 2023, totaling Rs. 15,200/-. On June 9, 2023, after finishing her work at In Cap Company, the deceased Veena returned to her house. At that time, the petitioner visited her residence. When Veena asked the petitioner to repay the loan amount, a quarrel ensued. During the altercation, Veena told the petitioner that if he did not repay the loan, she would go to his village and inform everyone about the loans she had given him. Enraged by this threat and seeking to avoid repayment, the



petitioner decided to kill Veena. Accordingly, he took a knife from Veena's house and, at around 5:45 p.m., slit her neck with the knife. He then left the scene, taking Veena's mobile phone. While proceeding toward his village, he removed the SIM card from the phone and threw it away with the intention of destroying the evidence.

8. The learned counsel for the petitioner argued that the prosecution's entire case rests on circumstantial evidence, and none of the witnesses examined so far have testified to the accused's involvement in the homicidal death of Veena. He further argued that the prosecution has already examined the material witnesses, leaving only the official witnesses to be examined. Therefore, there is no risk of tampering with the prosecution witnesses. It was also contended that the petitioner has been in judicial custody for nearly three years, and his presence is not required for custodial interrogation. On these grounds, he prayed for the grant of regular bail to the petitioner.



9. On the other hand, the learned Public Prosecutor argued that this is the fourth bail petition filed by the petitioner seeking regular bail, and his previous bail petitions were rejected. According to her, no changed circumstances have been made out by the petitioner for considering the subsequent successive bail petition. She argued that only three witnesses remain to be examined and the trial is expected to conclude within one or two months. Therefore, the petitioner is not entitled to be enlarged on regular bail as prayed for. Accordingly, she prayed for the rejection of the bail petition.

10. Admittedly, this is the third successive bail petition filed by the petitioner seeking regular bail. Even after the charge sheet was filed, the bail petitions submitted by the petitioner were rejected by this court. The only change in circumstance stated in the current petition is that the petitioner has been in judicial custody for the past three years, and the prosecution has examined material witnesses. Consequently, the question of



hampering or tampering with prosecution witnesses would not arise. Therefore, the accused seeks regular bail based on the aforementioned changed circumstance.

11. There is no doubt that the petitioner has been in judicial custody since June 13, 2023. The trial commenced on August 29, 2024, and so far, the prosecution has examined 17 witnesses. Only the examination of the investigating officers remains. The law is well settled that, the Court should refrain from appreciating the evidence, while considering the bail application. Therefore, this court cannot assess the evidence presented by the prosecution to grant bail in favor of the petitioner. There are serious allegations against the petitioner of committing murder. At this stage, it cannot be determined that the allegations are either false or not true as the trial is yet to be concluded and there is every chance that if the Petitioner is enlarged on bail, he may influence the witnesses as the Petitioner is facing trial for commission of offence, which is punishable with death or



imprisonment to life. As observed earlier, only three witnesses remain to be examined by the prosecution. Accordingly, I am of the view that the trial is likely to conclude within one or two months. Thus, having regard to the nature and gravity of the charge leveled against the petitioner and severity of the punishment in the event of conviction, I am of the view that this is not a fit case for granting bail to the petitioner based on the changed circumstances he relies upon. Accordingly, the above point is held in the **Negative**. In the result, I proceed to pass the following:

ORDER

The petition filed by the petitioner Under Section 439 of Cr.P.C R/w Sec.483 of B.N.S.S. seeking regular bail is hereby dismissed.

(Dictated to the Stenographer, after transcription, typed, printout taken by her, corrected, signed and then pronounced on this the 1st day of August 2026)

(Nagireddy.A)
III Addl. Dist. & Sessions Judge,
Tumakuru.