



**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE TUMAKURU, SITTING AT MADHUGIRI**

DATED THIS THE 29TH DAY OF FEBRUARY 2024

-: PRESENT:-

SHRI. YADAVA K., BAL., L.L.B.,

IV ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU-MADHUGIRI

S.C. No. 5037/2023

Complainant : The State by Y.N.Hosakote Police Station.

(By Pubic Prosecutor)

V/S

Applicant/
Accused : Ramanji. B.R,
S/o Ramanna,
Aged about 37 years,
R/at Budibetta Village,
Y.N. Hosakote Hobli,
Pavagada Taluk,
Tumakuru District.

[By Counsel – S.R.R. – Advocate]

ORDER ON BAIL PETITION FILED BY THE ACCUSED
UNDER SECTION 439 OF CR.P.C

The present bail application filed by the accused under section 439 of Cr.P.C, seeking regular bail in Crime No.65/2023 now pending in S.C.No.5037/2023. Crime registered against the accused by the complainant



Y.N.Hosakote Police for the offence punishable under section 302 of IPC. The Investigating Officer after investigation filed final report against the accused for the offences punishable under section 302 and 201 of IPC.

2. After committal this Court registered Sessions Case No.5037/2023 and secured presence of the accused before the Court. The Court framed charge against him and the matter posted for trial. As per final report allegations against the accused is that, the accused is husband of Lakshmi and they had two children C.W.8 and C.W.9. The accused suspecting character of his wife used to quarrel with her. He suspecting that his wife has illicit relationship with one Narasimhamurthy and for that he used to harass her in the matrimonial home. On 15.08.2023 night at about 10-30 p.m he quarreled with his wife and assaulted on her head with pestle. Due to assault head of deceased broken and she died in the spot. Thereafter the accused caused injury to him by knife and ran away from the spot. On the basis of the information crime registered against him and after final report matter pending against him.

3. The petitioner by filing petition seeking regular bail on the ground that now final report is filed and matter is pending for trial. His custodial interrogation is not necessary and he is



not keeping well. Hence he is entitle to bail and prays to grant bail.

4. The Learned Public Prosecutor filed objections opposing bail application. It is contended that though the final report filed trial not commenced. There are eye witnesses to the incident and there is chance of tampering the said witnesses. Hence the petitioner is not entitled to bail and prays to reject the bail application.

5. I have heard the parties and perused the materials on record. The points that arise for my consideration is:-

1] Whether the applicant/accused is made out grounds to grant regular bail under section 439 of Cr.P.C, in crime No.65/2023 registered by the complainant Y.N.Hosakote Police Station for the offenses punishable under section 302 of IPC, ?

2] What order, ?

6. My answer to the above said point which as under.

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



-.REASONS:-

7. **POINT NO.1:-** In the case on hand after final report there are serious allegations against the accused offences punishable under section 302 of IPC. There are eye witnesses to the incident. The said eye witnesses in their statement under section 161 of Cr.P.C categorically stated that the accused quarreled with his wife and assaulted her and broken her head and she died in the spot. One Prasad Reddy who is neighbour and independent witness, Kirshna who is neighbour and independent witness, Sridevi who is neighbour and independent witness, Akkallappa who is neighbour and independent witness, Ramesh who is neighbour and independent witness are categorically stated they were present when the accused assaulting the deceased. There are other witnesses they are stated about harassment by the accused to the deceased. Neighbours and relatives categorically stated the accused used harass the deceased in the house. Their statement at present strong prima-facie materials against the accused. If he is released on bail there is every chance to winning over the witnesses as they have no interest in the matter. C.W.8 and C.W.9 Mahindara and Malatesha who are children of the deceased and accused categorically stated that their father quarreled with their mother and their father assaulted their mother on her head and her head was broken



and their mother died. These witnesses are minor children and eye witnesses to the incident. There is strong material against the accused. Now they are under the custody of parents of the deceased. If accused enlarged on bail there is strong chance to him to winning over the said witnesses and destroy the materials against him.

8. The petitioner contents that he is suffering from ill-health. I have perused the charge-sheet materials. As per final report age of the accused was 37 years as on the date of the incident. The accused is not in his advanced age. There is no ground to enlarge him on bail considering his age also. There are several allegations and strong materials against the accused. I feel this is not a fit case to grant bail under section 439 of Cr.P.C. There are materials like panchanama and other reports from FSL also materials against the accused. These materials have to be considered during trial. At this stage there are no grounds to enlarge the accused on bail. I am of the view that petition deserved to reject. Hence I answer point No.1 in the Negative.

9. **POINT NO.2:-** In view of my finding on point No.1, I proceed to pass the following:-



:-ORDER:-

The bail petition in SC.No.5037/2023 filed
by the petitioner/accused under section 439 of
Cr.P.C, is herewith dismissed. *

*(Dictated to the stenographer, same is corrected, signed and then pronounced by me in
the open court, on this the **29th day of February, 2024**)*

sd/-

(YADAVA K)

IV Additional District & Sessions Judge,
Tumakuru, Sitting at Madhugiri