

KAUK010014532025



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE, UTTARA KANNADA, KARWAR**

DATED THIS THE 26th DAY OF DECEMBER, 2025

SESSIONS CASE NO.19/2025

PRESENT:

Sri MAYANNA. B. L.,

B.A., LL.B.,

II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.

COMPLAINANTS:

1. The State of Karnataka
Through Karwar Town PS
Rep. by Public Prosecutor,
Uttara Kannada, Karwar.
2. The PSI
Through Karwar Town PS
Rep. by Public Prosecutor,
Uttara Kannada, Karwar.

Vs.

ACCUSED NO.1:

Mr. Nitesh Suresh Tandel
S/o Suresh Tandel
Age: 41 years, 1431/5, KEB Road,
Near Maruti Temple, Konewda
Karwar.

(By Shri.R.K.M., Advocate)

ORDER

The Accused No.1 has filed the bail Application under
Section 483 of BNSS seeking regular bail for the offences

punishable under Section 126(2), 249(a), 238(a), 61(2), 115(2), 103(1) R/w Section 3(5) of BNS.

2. The Accused No.1 contended that his name is shown as Accused in Crime No.29/2025 on the file of Principal Senior Civil Judge and CJM, Karwar. The said case registered under sections 126(3), 103 R/w 3(5) of BNS. Now the investigation is over and the Police have submitted the charge sheet to this Court and the case is registered as Sessions case No.0019/2025 before the Hon'ble Court, hence the bail application is filed. That even in the charge sheet there is no prima facie case against the Accused person. There is no motive to commit the crime. The Co-accused persons have been released on bail. On the ground of parity also the Accused No.1 may be released on bail. Mr. Kumar Kamble, PSI, Karwar Police Station without any valid or compelling reason, fired bullet on the left leg of the Accused No.1 with his service pistol and caused fatal bleeding injury to him. The same was in gross violation of human right. Later the Police concocted a false story that the Accused No.1 coaxed them at 19.27 hours near Majali Devathi Temple on the pretext of urinating and assaulted them with bottles and stone. The said allegation against the Accused No.1 is false. The Karwar Police have registered a false case against Accused No.1 to create false defenses for them. In the remand application dated 23/04/2025, it is revealed that the Accused No.1 has sustained pistol injuries and the Accused No.1 has lost extensive blood due to firing on the leg by the Police. He was

taken to District Hospital, Karwar and later to KIMS Hubballi. He was treated at District Hospital, Karwar. His bones, muscles, nerves and veins are damaged. That even now the medical condition of the Accused No.1 is also not improved and he is spending painful days in the jail. On this ground also he may be released on bail. There are no reasonable grounds to believe that the Accused No.1 has committed offences punishable with death or imprisonment of life. There is no prima facie case against the Accused No.1. The Accused No.1 is having family ties and deep roots in the society. He is the earning member of his family. He undertakes that he will not hamper or tamper any witnesses. He is ready to abide by the terms and conditions which are likely to be imposed by this Court and also ready to furnish proper surety to the satisfaction of the Court and hence, prayed to grant of bail.

3. The learned Public Prosecutor has filed objections contending that the bail Petition filed by the Accused No.1 is contrary to law and hence, same is liable to be dismissed. It is contended in the objection that, about 1 year back, there was a dispute between the Complainant and Accused with regard to shop. Being aggrieved by this, the Accused used to picking up quarrel with the deceased. Such being the case, on 20/04/2025 at 8:10 AM, when the deceased went to the market to bring flower, opposite to Women and Children Welfare Center, on the public road, the Accused No.1 came on bike with other person, wrongfully restrained him, with an intention to kill him, assaulted him with knife, on his

stomach, right hand, caused bleeding injuries and thereby, he has committed the murder of the deceased. Hence the Complainant has lodged the complaint against the Accused. The IO has conducted spot panchanama, recorded the statement of witnesses and submitted the charge sheet. The alleged offences against the Accused No.1 is serious in nature. Though charge sheet is filed, the evidence of witnesses not yet commenced. At this stage, if the bail is granted to Accused No.1, then there is chance of abscondence, he may tamper the evidence, hamper the Trial and commit the similar offence. On these grounds, the learned Public Prosecutor sought for dismissal of the bail Petition.

4. Heard the arguments addressed by the Counsel for Petitioner/Accused No.1 and learned Public Prosecutor.

1. Whether the bail Application filed by the Accused No.1 under Section 483 of BNSS deserves to be allowed ?

2. What Order ?

5. The findings of the Court on the above points are as under:

Point No.1: In the Negative.

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

REASONS

6. **Point No.1**:-Perused the bail Application, objections filed by the P.P., and also perused the charge sheet material. From the perusal of the charge sheet material, the Karwar Town Police have filed the charge sheet against the Accused No.1 for the above said offences. The allegation that, about 1 year ago, the father of the Complainant had taken shop from the Municipality near fish market on lease and gave it to Accused No.1 for rent, but due to loss, he returned the said shop to his father. Accordingly, the father of the Complainant gave it to the other person for running the shop. Being aggrieved by this, the Accused used to picking up quarrel for the same with his father. Subsequently, on 20/04/2025 at 8:10 AM, when his father went to the market to bring the flower, opposite to Women and Children Welfare Center, on the public road, the Accused came on bike with other person, wrongfully restrained him, with an intention to kill him, assaulted him with knife on his stomach, right hand, caused bleeding injuries and thereby, he has committed the murder of the deceased. Hence, the Complainant has lodged the complaint against the Accused and hence, the Police have arrested the Accused No.1 and since then he is in judicial custody.

7. The learned Public Prosecutor submits that the allegation against the Accused No.1 is that he has stabbed the father of the Complainant with knife in the day light and thereby he has committed the murder. The alleged offence is serious in

nature and same cannot be taken in light. Further, the offence under Section 103(1) of BNS is punishable with death or imprisonment of life. The PM report also discloses that the cause of death is due to stab injury. The learned PP further submits that there was enmity between the Accused No.1 and deceased with regard to shop and on earlier occasion also there was a clash between them. The Police have seized the half of the knife from the possession of the Accused, which was used for commission of offence and half of the knife was in the body.

8. It is relevant to mention here that, after the alleged incident, the Police have registered the FIR. However, Accused No.1 was absconding. Thereafter, when the Police went to catch the Accused No.1, he has assaulted on the Policemen and hence, the Police have fired bullet on his left leg. The learned PP has also argued that, the alleged incident took place at 8:10 AM in the market area and there are eye witnesses to the alleged incident. The IO has recorded the statement of the said eye witnesses and all the witnesses have given statement that, the Accused No.1 came with another Accused and he has committed the murder of the deceased. However, said witnesses are not examined.

9. The apprehension of the prosecution that, if the Accused No.1 is released on bail, there is chance of tampering the evidence and threatening the witnesses and also chance of abscondence, cannot be ruled out. In view of the above and also considering the gravity and nature of commission of

offence, this Court has not found any reasons to grant bail to Accused No.1 in this case. Therefore, by keeping in mind the nature of crime and material evidence on record and also consequences thereon, this Court is of the opinion that this is not a fit case to grant bail and it is necessary to reject the bail Application. On these observations, this Court answers the Point No.1 in the **Negative**.

10. **Point No.2**: For the reasons, discussed in the above point No.1, this Court proceeds to pass the following:

ORDER

The bail Application filed by the Accused No.1 under Section 483 of BNSS, is hereby rejected.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the Open Court on this the 26th day of December, 2025)