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Spl.C.No.86/2019

IN THE COURT OF THE DISTRICT AND SESSIONS
JUDGE, YADGIRI

Dated this the **9th day of July, 2024**

PRESENT

Smt. B.S.REKHA, B.A.LAW., LL.M.,
District and Sessions Judge,
Yadgiri.

Spl. Case (Pocso) No.86/2019

Petitioners/Accused No.3 & 5:

1. Amul Jeevaraj Pille S/o Jeevaraj Pille,
Age: 32 years, R/o Jai Javan Nagar
Yeravada of Pune (MH)

2.Rakesh @ Rakya @ Sonukanth
S/o Dadanpande, R/o Barkatte,
Dist:Bhopal, Ganganagar, Near
Shankar Mandir, (MP), At present
Railway Station Pune.

(By Sri.G.B.Kori, Advocate)

Vs.

Respondents:

1. The State of Karnataka through
Rural Police Station, Yadgiri.

2.Amrutha W/o Amar Kamble,
R/o Loni, Tq.Haveli, Dist:Pune,
Maharashtra State.

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(By Public Prosecutor, Yadgiri)

ORDER

This is the bail application filed by the petitioners/accused No.3 and 5 under Section 439 of the Code of Criminal Procedure ('Cr.P.C.' for short), praying this Court to enlarge them on bail by accepting surety in Cr.No.116/2015 of Yadgiri Rural police station in connection with the offences punishable U/Secs. 143, 147, 148,149, 201, 302 R/w 149 of IPC and under Sections 3(1)(10) 2(5) of the SC/ST Act.

2) The brief facts of the prosecution case is that, the accused No.1, 7, 8 and 9 belongs to Muslim community, accused No.2 Vaddar community, accused No.3 Madrasi, accused No.4 Hadapad caste, accused No.5 and 6 Brahmins and the deceased belongs to schedule caste. Accused No.1 to 7 were doing pick pocket and on 22.5.2012 in view of accident to CW.13 he was admitted

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by CW.11 and 13 to Yadgir Govt. Hospital. Accused No.1 to 6 went to the hospital to see Raju and the deceased Amar also went to meet Raju. When they were coming near the hospital gate accused No.1 questioned Amar as to why he had not given money even though he had pick pocket of Rs.50,000/- and he alone used the money and accused No.1 to 6 were assaulted to him. CW.1 and 12 questioned accused No.1 to 6 why they are assaulting. Accused No.1 told to take him to Thanagundi and there after they have taken Amar in vehicle to Thanagundi wherein in front of the house of the accused No.1 he assaulted and caused stab injury with the thorn and assaulted with iron rod and Babu assaulted with club to Amar. Accused No.2 to 7 assaulted with hands. When he requested for water before supplying water he died. Thereafter, in order to screen the offence they have shifted the dead body in old well and called accused No.8 and shifted the dead body from there and burnt the dead



body.

3) In the bail application, it is contended that the accused is innocent of the alleged offences. He is falsely involved in the case. There are no sufficient grounds to believe that the accused No.3 and 5 have committed the offences. They were already on bail, but they could not appear before the court. NBW issued and they are in judicial custody. They are the only bread earners of the family and requested the court to release them on bail.

4) The learned Special Public Prosecutor opposed the bail application by filing objection and contended that the charge sheet is already filed. If the accused are released they may obstruct the trial and they may abscond. The offence is heinous in nature. Earlier they obtained bail but they remained absent and they are not entitled for bail. Hence, prays to reject the bail application.



5) The following points arise for my determination;

1. Whether the petitioners/accused has made out good grounds for an order of regular bail?
2. What order?

6) Heard arguments of the learned counsel for petitioner/accused and Learned Special Public Prosecutor.

7) My findings on the above points are as follows:

Point No.1: In the Affirmative.

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

REASONS

8) POINT No.1:- The Yadgir Rural police registered this case on the basis of first information lodged by complainant.

9) The learned counsel for the petitioners/accused vehemently argued that the accused is innocent



of the alleged offences. He is falsely involved in the case. There are no sufficient grounds to believe that the accused No.3 and 5 have committed the offences. They were already on bail, but they could not appear before the court. NBW issued and they are in judicial custody. They are the only bread earners of the family and requested the court to release them on bail.

10) The learned Special Public Prosecutor argued that the charge sheet is already filed. If the accused are released they may obstruct the trial and they may abscond. The offence is heinous in nature. Earlier they obtained bail but they remained absent and they are not entitled for bail. Hence, prays to reject the bail application.

11) In this case, already investigation is completed, charge sheet is filed the trial is going on. There are 5 witnesses examined in this case. The



accused are produced under NBW and now they are in judicial custody. In this case, as they were on bail earlier and the trial is proceeded with by imposing conditions the bail application has to be allowed. Hence, I answer point No.1 in the ***Affirmative.***

12) POINT NO.2 In view of my findings on point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioners/accused No.3 and 5 under Section 439 of Cr.P.C., is hereby allowed.

The petitioners/accused are ordered to be released on regular bail in Crime No.116/2015 registered by the respondent-police, on executing personal bond for Rs.1,00,000/-each with two sureties for the like-sum to the satisfaction of concerned Court, on the following conditions;

- 1)*** They shall not give threat or tamper the prosecution witnesses.



- 2)** They shall not leave the jurisdiction of this Court without prior permission of this Court.
- 3)** They shall appear before the concerned Court on every date of hearing without fail.
- 4)** They shall not indulge in committing similar offences in future.

(Dictated to the stenographer Grade II directly on computer, transcribed by him, after correction, pronounced by me in open Court on this the 9th **day of July, 2024**).

(B.S.Rekha)

District and Sessions Judge,
Yadgiri.