



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. BABU
S/O LATE BABAIAH,
AGED ABOUT 48 YEARS,
R/A LOKOJIPALLI VILLAGE,
AMADAGURU MANDAL, KADARI TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH - 515 401.

...APPELLANT

(BY SRI. DEVENDRA N., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PATHAPALYA POLICE STATION,
BAGEPALLI TALUK, CHIKKABALLAPUR DISTRICT,
REPRESENTED BY:
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560-001.

2. SRI. BUKKE LAKSHMINARASIMHA NAYAKA,
S/O BUKKE VENKATARAMANA NAYAKA,
AGED ABOUT 21 YEARS,
R/A: DADIVARIPALLI VILLAGE,
AMADAGOORU MANDAL,
PUTTAPARTHI TALUK,
SATHYA SAI DISTRICT,
ANDHRA PRADESH - 515 556.

...RESPONDENTS

(BY SMT. N. ANITHA GIRISH, HCGP FOR R1,
V/O DATED: 11.02.2026, R2 SERVED AND UNREPRESENTED.)



THIS CRL.A. IS FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 PRAYING TO ENLARGE HIM ON REGULAR BAIL IN SPL.S.C.NO.44/2024 IN CRIME NO.2/2024 OF PATHAPALYA POLICE STATION, BAGEPALLI TALUK, CHIKKABALLAPUR DISTRICT (Ist RESPONDENT HEREIN) WHICH IS NOW PENDING ON THE FILE OF THE I ADDL DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPURA FOR THE OFFENCE P/U/S 302,201,120-B R/W SEC.34 OF IPC AND SEC.3(2)(v) OF SC/ST (POA) ACT 1989.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order passed by the I Addl. District and Sessions Judge, Chikkaballapura in Spl. Sessions Case No.44/2024 dated 14.10.2025.

2. The brief facts leading to this appeal are that, on the basis of the complaint filed by Bukke Lakshminarasimha Nayaka, Patapalya Police Station have registered the case against the accused No.1-Prabhakar and accused No.2-Babu in Crime No. 2/2024 for the offence punishable under Section 302 and 201 of Indian Penal Code. After completion of the investigation, the Investigating Officer submitted the charge-sheet against the present appellant. The abated charge-sheet



was filed against accused No.1-Prabhakar. The same was noted in the order-sheet in Spl.Sessions Case No.44/2024.

3. In the charge-sheet also it is stated that, accused No.1- Prabhakar has committed suicide on 12.01.2024. Even in the FIR it is stated that accused No.1-Prabhakar has committed suicide. Accused No.2 was arrested on 14.01.2024 and produced before the trial Court, he was remanded to judicial custody and the application was filed under Section 439 of Cr.P.C (under Section 483 of Bharatiya Nagarik Suraksha Sanhitha, 2003) for grant of regular bail and the same came to be dismissed by the trial Court. Being aggrieved by the order, the appellant has preferred this appeal.

4. The learned counsel for the appellant would submit that, this appellant has not committed any offence as alleged against him. At the time of filing the charge-sheet, the DNA report was not received by the Investigating Officer. Now the Investigating Officer has filed the DNA report. The DNA report of the deceased is not matching with the CW1 and CW2. DNA report was negative. Hence, the prosecution has failed to prove that Venkataramana Nayak died in the alleged incident. The entire case rests on circumstantial evidence. Before receiving



the DNA report, the Investigating Officer has submitted the charge-sheet against the accused. Hence, sought for allowing this appeal.

5. The learned High Court Government Pleader, Smt.Anitha.N.Girish, would submit that the trial Court has properly appreciated the materials on record and rightly rejected the bail application and sought for dismissal of the appeal.

6. I have examined the materials placed before this Court. On the basis of the complaint filed by Bukke Lakshminarasimha Naik, Patapalya Police Station have registered the case in Crime No.2/2024 against the accused No.1-Prabhakar and accused No.2-Babu for the offence punishable under Section 302 and 201 of Indian Penal Code. In the complaint and FIR, it is clearly stated that accused No.1-Prabhakar committed suicide after the alleged incident. After completion of the investigation, the Investigating Officer has submitted the charge-sheet, in which, it is stated that he has sent the materials to the FSL and after obtaining the report from FSL, he will submit the report. The trial Court has observed that the DNA report of the deceased is not matching



with CW1 and CW2 and DNA report is negative. The trial Court has observed that, report of DNA in the negative alone is not a ground to allow the bail application. Now the investigation is already completed. The accused is not required for custodial interrogation. Since the case rests on circumstantial evidence, I am of the opinion that, it is just and proper to allow this appeal. Accordingly, I proceed to pass the following:

ORDER

- i) Appeal is allowed.
- ii) The impugned order passed by the I Addl. District and Sessions Judge, Chikkaballapura in Spl. Sessions Case No.44/2024 dated 14.10.2025 is set aside. Consequently, application filed under Section 439 of Code of Criminal Procedure (under Section 483 of BNSS, 2003) is allowed, subject to following conditions:
 - a) The appellant/accused No.2 shall be released on bail upon executing a self bond for a sum of Rs.1,00,000/- (Rupees one lakh) with one surety for the likesum to the satisfaction of the trial Court;



- b) The appellant/accused No.2 shall not tamper or threaten the prosecution witnesses.
- c) The appellant/accused No.2 shall appear before the trial Court on all the dates of hearing and co-operate with the investigating officer for the purpose of investigation, as and when required.

Registry is directed to send a copy of this order to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

KBM
List No.: 1 Sl No.: 36