

HC-KAR



CNR: KAHC010065192026

NC: 2026:KHC:36031
CRL.A No. 145 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 145 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SRI MADHUKUMAR
@ A.C.C. @ MADHU,
S/O. VENKATARAMANAPPA,
AGED ABOUT 29 YEARS,
R/AT MANGAPURA VILLAGE,
SANTHEHALLI POST,
KASABA HOBLI, MALURU TLAUK
KOLAR DISTRICT - 563 130.

...APPELLANT

(BY SRI. KUMARA K. G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY VEMAGAL POLICE STATION,
KOLAR DISTRICT - 563 130.

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REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.

2. SRI. MADHU. M,
S/O LATE MYLARAPPA,
AGED ABOUT 44 YEARS,
R/AT A BLOCK, VIDYANAGAR,
KOLAR TALUK,
KOLAR - 563 101.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA., HCGP FOR R1;
R2 IS SERVED)

THIS CRL.A IS FILED U/S 14(A)2)/ OF SC/ST (POA) ACT
BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET
ASIDE THE ORDER DATED 06.02.2025, PASSED IN
SPL.S.C.IPC.SC/ST.NO.19/2024, ON THE FILE OF THE II ADDL.
DISTRICT AND SESSIONS JUDGE KOLAR AND GRANT BAIL TO
THE APPELLANT IN CR.NO.156/2024, OF VEMAGAL P.S. KOALR
FOR THE OFFENCE P/U/S 103(1), 238, 351, 352 OF BNS AND
SEC.3(2)(V) OF SC/ST (POA) ACT.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant seeking regular bail in Crime No.156/2024 filed by the respondent – Police for the offences punishable under SectionS 103(1), 238, 351, 352 of Bharatiya Nyaya Sanhita, 2023 (*for short BNS*) and under Section 3(2)(V) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (*for short SC/ST (POA) Act*).

Factual matrix of the case:

2. The case of the prosecution is that the deceased – Narasimhamurthy was working with accused No.1- Sri. Ambareesha as a driver. The said Narasimhamurthy was staying in the house of accused No.1. It is alleged that during the stay in the said house the said Narasimhamurthy had developed intimacy with the wife of accused No.1 and both Narasimhamurthy and the wife of accused No.1 were having illicit relationship. Accused No.1 after having learnt that both Narasimhamurthy and his wife were having illicit relationship, he started assaulting his wife and used to quarrel with her often. The wife of accused No.1 had left her matrimonial house

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and she was residing in her parent's house. The accused No.1 even used to approach the said house and was quarrelling with her. Such being the fact, accused No.1 had been instructed by his friends to eliminate Narasimhamurthy in order to secure the quietus in the family.

3. Accordingly, on 10.07.2024 around about 7.00 p.m., the deceased was invited to consume alcohol. Accused Nos.1 to 4 with intention to commit his murder took him to the land bearing Sy.No.31 of Lingapura Village and committed his murder. Thereafter, they have thrown the dead body into the lake in order to causing disappearance of the evidence. Hence, the complaint. Based on the complaint, the respondent – Police registered a case, conducted investigation and submitted the charge-sheet.

4. Heard learned counsel for the respective parties.

5. Learned counsel for the appellant submits that the appellant is innocent of the alleged offences. The entire case is based on the circumstantial evidence. The overt-act of the appellant has been disclosed on the strength of the statement

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of co-accused. Even assuming that the appellant was present along with other accused, as per the averments of the charge-sheet, the overt-act attributed against the appellant is that he was instigating others to commit murder of the deceased. Similarly placed co-accused persons have already been enlarged on bail. Therefore, the appellant may be enlarged on bail on the grounds of parity by imposing suitable conditions. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions learned counsel for the appellant prays to allow the appeal.

6. *Per Contra*, learned High Court Government Pleader for respondent vehemently submits that accused Nos.1 to 4 hatched conspiracy to eliminate the deceased who was working with accused No.1. The motive for murder is that accused No.1 suspected that the deceased was having illicit relationship with his wife. As a result of which accused No.1 used to quarrel with his wife and started residing in her parent's house along with her children. The appellant is arrayed as accused No.2 and specific overt-act made against him is that both appellant and

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accused No.1 held deceased Narayanaswamy tightly and accommodated accused No.3 to commit murder of the deceased. Therefore, it is not appropriate to grant the relief as prayed for in the appeal. Making such submissions learned High Court Government Pleader prays to reject the appeal.

7. Having heard learned counsel for the respective parties and on perusal of the averments of the charge-sheet, it makes clear that although, the appellant was allegedly present along with other accused persons in committing murder of the deceased, the overt-act attributed against the appellant is that he held the hands and legs of the deceased and accommodated others to commit his murder.

8. Be that as it may, similarly, placed other co-accused persons have been enlarged on bail by this Court. Considering their overt-acts it is appropriate to extend the benefit of parity to the present appellant. Moreover, the alleged incident had not taken place on account of that the deceased belongs to Scheduled Caste as submitted by the learned

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counsel for the appellant. Having considered the same, it is appropriate to grant the relief as prayed for in the appeal.

9. Hence, I proceed to pass the following:

ORDER

- i. This criminal appeal is ***allowed***.
- ii. The appellant is ordered to be enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with one (01) surety to the like sum of the satisfaction of the Trial Court.
- iii. The order dated 06.02.2025 passed in Spl.S.C.IPC & SC/ST No.19/2024 on the file of II Additional District and Sessions Judge, Kolar, is hereby, set aside.
- iv. The appellant shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.

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- v. The appellant shall appear before the Trial Court on all hearing dates, without fail.
- vi. The appellant shall not involve in any criminal cases till disposal of the case.

In case, if, the appellant violates any of the bail conditions stated *supra*, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

**Sd/-
(S RACHAIAH)
JUDGE**

NM/-