



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO.327 OF 2026 (U/S 14(A)(2))

BETWEEN:

SANDEEP
S/O. LATE NAGARAJ,
AGED ABOUT 25 YEARS,
OFFICE BOY,
R/O. NO.2224,
NEAR RASTOTHAANA SCHOOL,
ANJANEYA EXTENSION,
2ND CROSS, NITTUVALLI,
DAVANAGERE – 577 002.

...APPELLANT

(BY SRI. S G RAJENDRA REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY VIDYANAGAR POLICE,
DAVANAGERE.
REPTD. BY S.P.P.,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.



2. SMT. SHRUTHI. T.K.
W/O. SANTOSH KUMAR K @ KANUMA,
AGED ABOUT 36 YEARS,
NEAR KHADI KENDRA,
NITTUVALLI,
DAVANAGERE - 577 002.

...RESPONDENTS

(BY SMT. ASMA KOUSER., ADDL. SPP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. IS FILED U/S.14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO ALLOW THIS CRIMINAL APPEAL, SET ASIDE THE ORDER DATED 02.02.2026 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN SPL.C.NO.346/2025 AND ENLARGE THE APPELLANT ON BAIL IN CRIME NO.103/2025 OF VIDYANAGARA POLICE STATION, DAVANAGERE PENDING ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN SPL.C.NO.346/2025 FOR THE OFFENCE P/U/S 61(2), 103(1), 189(2), 191(2), 191(3), 238(a), 190 OF BNS 2023 AND U/S.27(1), 5 OF INDIAN ARMS ACT AND U/S.3(2)(v), 3(2)(v-a) 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



ORAL JUDGMENT

1. This appeal is filed by the appellant/accused No.11 being aggrieved by the order dated 02.02.2026 in Spl.C.No.346/2025 passed by the II Additional District and Sessions Judge, Davanagere and seeking for releasing him on regular bail.

Factual matrix of the case:

2. It is the case of the prosecution that the husband of the complainant is stated to have been murdered by unknown persons on Hadadi road, in front of Someshwara hospital at Davanagere. The complainant, being wife of the deceased, went to the spot and after seeing the dead body of her husband, lodged a complaint against twelve persons. The respondent - Police conducted investigation and submitted charge sheet.
3. Heard Sri S.G. Rajendra Reddy, learned counsel for the appellant and Smt Asma Kouser, learned Addl. SPP for respondent No.1. Respondent No.2 is served and unrepresented.



4. It is the submission of learned counsel for the appellant that the Hon'ble Supreme Court was pleased to grant the relief of bail to some of the accused and the Co-ordinate Bench of this Court also granted bail to accused who is arraigned as accused No.17. There are 25 accused in this case. The overt act against the appellant is only conspiracy. He is also standing on the same footing with others who have been enlarged on bail. Hence, he may be enlarged on bail on parity. Making such submissions, learned counsel for the appellant prays to allow the appeal.
5. *Per contra*, learned Addl. SPP vehemently objected to granting the relief.
6. Having heard the learned counsel for the respective parties and also on perusal of the averments of the charge sheet, it appears that there are 25 accused in the charge sheet. The appellant is arraigned as accused No.11. The evidence on record would indicate that he conspired with other accused to commit the murder of Santhoshkumar K @ Kanuma. Having considered the



overt act and also the order passed by the Hon'ble Supreme Court in respect of other accused, it is appropriate to allow this appeal.

7. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The impugned order passed by the learned II Additional District and Sessions Judge, Davanagere, in Spl.C.No.346/2025 dated 02.02.2026, is set aside.
- iii) The appellant is directed to be enlarged on bail in Crime No.103/2025 of respondent - Police Station, registered for the offences punishable under Sections 61(2), 103(1), 189(2), 191(2), 191(3), 238(a), 190 of the Bharatiya Nyaya Sanhita, 2023, Section 27(1), 5 of Indian Arms Act, 1959 and Sections 3(2)(v), 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, subject to the following conditions:
 - a) The appellant shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum, to the satisfaction of the Trial Court.



- b) The appellant shall appear before the Trial Court on all hearing dates without fail.
- c) The appellant shall not threaten the prosecution witnesses.
- d) The appellant shall not hamper the Court proceedings.
- e) The appellant shall not leave the jurisdiction of the Court till disposal of the case.
- f) The appellant shall not commit or indulge in any other criminal cases, till disposal of the present case.

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

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 SI No.: 7