



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 326 OF 2026 (U/S 14(A) (2))

BETWEEN:

SHRI GURUPRASAD @ GURU
S/O VENKATARAMAPPA,
AGED ABOUT 29 YEARS,
R/O KANAGALA VILLAGE,
TEKAL HOBLI, TALUKA MALUR,
DISTRICT KOLAR - 563 137.

...APPELLANT

(BY SRI. TIGADI VEERANNA GADIGEPPA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP BY SUB-INSPECTOR OF POLICE,
MASTHI POLICE STATION,
TALUKA MALUR,
DISTRICT KOLAR.
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SHRI. DINESH KUMAR B.
S/O BABU K.V.
AGE 27 YEARS,
R/O TEKAL, TALUKA MALUR,
DISTRICT KOLAR - 563 137.



3. SHRI. KARTHIK
S/O NARAYANASWAMY
AGE 25 YEARS,
R/O BYARATNAHALLI VILLAGE,
TEKAL HOBLI, TALUKA MALUR,
DISTRICT KOLAR - 563 137.

...RESPONDENTS

(BY Ms. ASMA KOUSER., ADDL. SPP FOR R1;
R2 AND R3 SERVED AND UNREPRESENTED)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO ALLOW THE APPEAL BY SETTING ASIDE IMPUGNED ORDER DATED 26.12.2025 DISMISSING HIS PETITION UNDER SECTION.483 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 IN SPECIAL SESSIONS CASE BNS AND SC/ST NO.19/2025 (MASTHI POLICE STATION CRIME.NO.130/2025) BY THE LEARNED II ADDITIONAL DISTRICT AND SESSIONS JUDGE, KOLAR AND BY GRANTING HIM BAIL FOR THE OFFENCES PUNISHABLE UNDER SECTIONS.103(1), 109(1), 238 R/W 190 OF BHARATIYA NYAYA SANHITA, 2023 AND SECTION.3(2)(V) OF THE SCHEDULE CASTES AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) ACT, 1989.

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 has been filed by the appellant seeking to set aside the order dated 26.12.2025, passed in Spl.S.C. BNS & SC/ST No.19/2025, on the file of learned II Addl. District and Sessions Judge, Kolar for the offences punishable under Sections 103(1), 109(1), 238 read with Section 190 of BNS and Section 3(2) (v) of SC/ST (POA), Act.

Factual Matrix of the case:

2. The case of the prosecution is that one Mr. Dinesh Kumar lodged a complaint stating that the deceased-Rakesh Kumar and injured-Karthik who are the residents of Tekal village and they were friends. Darshani and Bhupati were in love with each other. Darshani is the daughter of uncle of Karthik and the said Karthik assaulted Bhupati and warned him to stay away from Darshini. This matter came to the knowledge of accused No.1 who was the friend of said Bhupathi.
3. A panchayath was held to pacify the dispute between Karthik, Rakesh Kumar and accused No.1. Accused No.1



was warned by Karthik and Rakesh Kumar that he should not come to Tekal. Accused No.1 has informed the said matter to accused Nos.2 to 6, 8 and the child-in-conflict No.7. Consequently, all the accused persons in furtherance of common intention to eliminate Karthik and Rakesh Kumar hatched a plan and assaulted both of them. As a result of which, Rakesh Kumar succumbed to the injuries. However, Karthik survived and sustained grievous injuries. Based on the complaint, the respondent police conducted investigation and submitted the charge sheet.

4. Heard Sri. Veeranna G Tigadi, learned counsel for the appellant and Smt. Asma Kouser, learned Addl. SPP for respondent No.1 – State.
5. The learned counsel for the appellant is submitted that on going through the averments of the charge sheet, no overtact is attributed against the appellant herein. There are omnibus allegations made out against the appellant that he assaulted deceased - Rakesh Kumar and injured Karthik.



6. It is further submitted that, even on considering the the specific overt-act against the appellant, the appellant was standing near the door of the dhaba and he was facilitating other accused to assault both Rakesh Kumar and Karthik and he has seen that they should not escape from their clutches.
7. It is further submitted that the gravity of the offence in respect of the present appellant is lesser than the other accused. Moreover, initially, his name was not found in the complaint or in FIR. Thereafter, at the instance of other accused, his name has been included in the charge sheet. The appellant is aged about 28 years and he is the sole earning member of his family. 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.
8. *Per contra*, learned HCGP for respondent - State vehemently justified the order of the Trial Court and submitted that this is a case of gang war between the two groups. The appellant and others assaulted



indiscriminately and caused grievous hurt to C.W.5-Karthik and committed murder of deceased Rakesh Kumar. Therefore, it is not appropriate to grant the relief as prayed for in the appeal. Making such submissions, the learned HCGP for respondent No.1 - State prays to dismiss the appeal.

9. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it appears from the record that the Trial Court while considering the bail application, opined that the charge sheet materials indicated the appellant had the intention to commit the murder of the deceased -Rakesh Kumar, hence, he acted as a guard in front of the dhaba to prevent Karthik and Rakesh Kumar from escaping their clutches.

10. However, such opinion of the Trial Court is not proper for the reasons that the injured Karthik in his statement has not deposed/stated about the involvement of the appellant. Moreover, the appellant has been



implicated in the charge sheet at the instance of co-accused.

11. Having considered the said aspect, it is appropriate to allow the appeal.

12. In the light of the aforesaid observations, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The impugned order dated 26.12.2025, passed in Spl.S.C. BNS & SC/ST No.19/2025, on the file of learned II Addl. District and Sessions Judge, Kolar is set aside.
- iii) The appellant is directed to be enlarged on bail in Spl.S.C. BNS & SC/ST No.19/2025, on the file of learned II Addl. District and Sessions Judge, Kolar for the offences punishable under Sections 103(1), 109(1), 238 read with Section 190 of BNS and Section 3(2) (v) of SC/ST (POA), Act, 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

JS/-
List No.: 1 Sl No.: 16