



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 4002 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

PARTHA,
S/O LATE VENKATACHALA,
AGED ABOUT 50 YEARS,
R/AT GENDEKERE VILLAGE,
KASABA HOBLI,
KANAKAPURA TALUK,
BANGALORE SOUTH – 562 117.

...PETITIONER

(BY SRI. S SHANKARAPPA., ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH KANAKAPURA RURAL
POLICE STATION,



REP BY S.P.P.,
HIGH COURT COMPLEX,
BANGALORE – 560 001.

...RESPONDENT

(BY Ms. ASMA KOUSER., ADDL. SPP)

THIS CRL.P FILED U/S 439 CR.P.C (U/S 483 BNSS) BY
THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE
PETITIONERS ON BAIL U/S 483 OF BNSS IN CR.NO.149/2025
OF KANAKAPURA RURAL P.S., PENDING BEFORE THE HON'BLE
I ADDL. CIVIL JUDGE (JR.DN) AND J.M.F.C. COURT,
KANAKAPURA, RAMANAGARA DISTRICT, FOR THE OFFENCES
P/U/S 189(2), 191(3), 126(2), 352, 103(1), 109(1), 115(2),
238, 49, 190 OF BNS, 2023.

THIS PETITION, COMING ON FOR FURTHER
CLARIFICATION, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. The petitioner is arrayed as accused No.1 seeking regular bail in Crime No.149/2025 filed by respondent - Police for the offences punishable under Section 103(1), 109(1), 126(2), 115(2), 189(2), 190, 49, 238, 191(3), 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

Factual matrix of the case:

2. The case of the prosecution is that when the petitioner went to speak with the complainant and his brother, they were not in a position to talk properly as they had consumed alcohol. Though, P.W.1 is arrayed as an eye-witness to the incident, the fact remains that, the averments of the charge sheet would indicate that P.W.1 and his brother, on 12.10.2025 around 1.40 a.m., had been to the house of the petitioner and they created a nuisance in front of the house of the petitioner. The petitioner and his son came out of the house and caught hold C.W.1. By that time, the deceased - Sunil escaped from the place by taking his scooter and proceeding towards Ramanagar.



3. It is further stated that on instruction of the petitioner, accused Nos. 3 and 4 went to trace the deceased – Sunil. When the deceased was proceeding on his scooter near Thimmasandra Village, accused No.4 being a driver of a Thar vehicle, dashed his scooter and knocked him down. Consequently, the deceased Sunil sustained injuries and thereafter, he was brought back to the place of accused No.1 where he was assaulted again. Later, someone informed the police by calling the help-line. The police came and rescued both the injured persons. Thereafter, both were shifted to Government Hospital for treatment. However, in the medical history, accused No.1 deliberately gave the statement that the deceased – Sunil had sustained injuries due to a road accident. Later, after obtaining treatment, P.W.1 lodged a complaint before the respondent police. The respondent police registered a case, conducted investigation and submitted the charge sheet.

4. Heard Sri. S. Shankarappa, learned counsel for the petitioner and Smt. Asma Kouser, learned Additional Special Public Prosecutor for the respondent - State.



5. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. Regarding the allegation that he assaulted P.W.1 and his brother with a sickle and caused injuries, the averments of the charge sheet indicate that the petitioner allegedly assaulted both persons on their legs. However, he had no intention to commit murder.

6. It is further submitted that the similarly placed other accused have been enlarged on bail and the petitioner stands on the same footing. He is aged about 50 years and is a permanent resident of Gendekere Village, Kanakapura Taluk. He would 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 petitioner prays to allow the petition.

7. Per contra, learned Additional Special Public Prosecutor for the respondent-State vehemently submitted that the complainant is an eyewitness to the incident and has sustained severe injuries. There is a serious threat to the witnesses. The manner in which the incident took place indicates its severity and gravity. Such being the case, if the



petitioner is enlarged on bail, there is a likelihood of danger to the life of the complainant and the witnesses. Hence, it is not appropriate to grant him bail. Making such submissions learned Additional Special Public Prosecutor for respondent – State prays to reject the petition.

8. Having heard learned counsel for the respective parties and on perusal of the averments of the complaint and the charge-sheet, it appears that, the complainant is none other than the brother of the deceased - Sunil. The charge sheet would indicate that accused No.5 being a father of P.W.1, had sold the property to the petitioner without taking the permission from P.W.1 or his family members. Being aggrieved by the same, P.W.1 and his brother-Sunil went to the house of the petitioner and created nuisance in front of the house and started abusing the petitioner in filthy language. P.W.1 was caught hold of by the petitioner and accused No.3. In the meantime, the deceased-Sunil took his motor cycle and tried to escape from the spot.

9. Although it is alleged that, the petitioner had assaulted both P.W.1 and his brother and committed the



murder of his brother Sunil, the fact remains that the alleged assault had not taken place on any of the vital parts of the body. The deceased might have died due to injuries sustained in the road accident.

10. Be that as it may, on going through the contents of the charge sheet, I am of the considered opinion that, the petitioner has made out a case to grant bail. Hence, I proceed to pass the following:

ORDER

(i) The Criminal Petition is ***allowed.***

(ii) The petitioner is ordered to be enlarged on bail in Crime No.149/2025 by the respondent-police for the offences under Sections 189(2), 191(3), 126(2), 352, 103(1), 109(1), 115(2), 238, 49,190 of BNS on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the Trial Court.



(iii) The petitioner shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.

(iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(v) The petitioner shall not indulge in any criminal cases till disposal of the case.

In case the petitioner 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.: 8