

Reserved on : 07.08.2026
Pronounced on : 24.08.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 5574 OF 2026

BETWEEN:

STATE OF KARNATAKA,
REP. BY AN INVESTIGATION OFFICER,
H&B DIVISION, O/O THE DGP CID,
SPECIAL UNITS AND ECONOMIC OFFENCES,
CARLTON HOUSE, PLACE ROAD,
BANGALORE-560001.

...PETITIONER

(BY SRI B.N JAGADEESHA, SPP-I)

AND:

B.A BASAVARAJA,
S/O LATE ANJINAPPA,
AGED ABOUT 61 YEARS,
R/AT NO. 93/94, SHANTHINIKETANA ROAD,
CHANDRAIAH LAYOUT, MEDAHALLI,
BENGALURU-560049.

...RESPONDENTS

(BY SRI SANDESH J CHOUTA, SENIOR ADVOCATE FOR
SRI HEMANTH KUMAR.D, ADVOCATE)

Digitally
signed by
PADMAVATHI
B K

Location: High
Court of
Karnataka

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483(3) OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO (A) CALL FOR THE RECORDS IN CRL.MISC.NO.1780/2026 ON THE FILE OF THE LEARNED LXXXI ADDL. CITY CIVIL AND SESSIONS COURT, BENGALURU (CCH-82); (B) SET ASIDE THE ORDER DATED 12.03.2026 PASSED BY THE LEARNED LXXXI ADDL. CITY CIVIL AND SESSIONS COURT, BENGALURU (CCH-82, IN CRL.MISC.NO.1780/2026), GRANTING BAIL TO THE RESPONDENT, FOR OFFENCES PUNISHABLE UNDER SECTIONS 61, 189(2), & (4), 103, 118(1), 190, 111(2)(a), 111(2)(b), 111(3), 111(4), 238 R/W SECTION 3(5) OF BNS, 2023 AND CANCEL THE PAID OF THE RESPONDENT; (C) DIRECT THAT THE ACCUSED - RESPONDENTS SURRENDER BEFORE THE LEARNED TRIAL COURT AND ; (D) GRANT SUCH OTHER AND FURTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT, CONSIDERING THE FACTS AND CIRCUMSTANCES OF THE CASE, TO MEET THE ENDS OF JUSTICE.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

The State is before the Court calling in question an order dated 12-03-2026 passed by the LXXXI Additional City Civil and Sessions Judge, Bengaluru in Criminal Miscellaneous No.1780 of 2026, enlarging the respondent - accused No.5 on regular bail.

2. Heard Sri B.N.Jagadeesha, learned State Public Prosecutor-1 appearing for the petitioner and Sri Sandesh J. Chouta, learned senior counsel appearing for the respondent.

3. Facts, in brief, germane are as follows: -

A crime in Crime No.73 of 2025 comes to be registered against the respondent by Bharathi Nagar Police Station for offences punishable under Sections 61, 189(2), 189(4), 103, 118(1), 190, 111(2)(a), 111(2)(b), 111(3), 111(4) and 238 read with 3(5) of the BNS, on the basis of a complaint filed by the mother of the deceased on 15.07.2025 that her son has been brutally assaulted by multiple assailants near their residence. Pursuant to registration of the crime, the respondent had been taken into custody and the State invoked the provisions of the Karnataka Control of Organised Crimes Act, 2000 (for short 'the Act') as well. After the arrest of the respondent, the respondent files an application under Section 483 of the BNSS seeking his enlargement on bail. The concerned Court by a detailed order grants bail to the respondent on certain conditions. The State has

now preferred this petition seeking cancellation of bail so granted to the respondent.

4. The learned State Public Prosecutor - 1, Sri B.N. Jagadeesha appearing for the petitioner would contend that the coordinate Bench of this Court dismissed a petition in W.P.No.31304/2025 seeking anticipatory bail of the respondent, reserving liberty to approach the concerned Court at a later point in time. An application was filed by the respondent before the concerned Court in Criminal Miscellaneous No.11492 of 2025, which came to be rejected on 23-12-2025. This was called in question before this Court in Criminal Petition No.17538 of 2025. The coordinate Bench had granted protection from arrest in terms of its order dated 26-12-2025 but the petition comes to be dismissed on 10-02-2026. The learned State Public Prosecutor - 1 submits that the respondent had approached the Apex Court, but withdrew the S.L.P.(Crl.) No.2619/2026 before its consideration. It is only after all this, the respondent was arrested and remanded to judicial custody. The respondent is accused No.5 in the crime. A regular bail application was filed after the aforesaid withdrawal of the S.L.P

before the Apex Court. The fresh bail application is now answered in favour of the respondent by the concerned Court. The learned State Public Prosecutor - 1 submits that bail could not have been granted to the respondent owing to the allegations in the crime and also the fact that the coordinate Bench had dismissed the application for grant of anticipatory bail.

5. *Per contra*, the learned counsel Sri Sandesh J. Chouta appearing for the respondent - accused No.5 submits that mere dismissal of an anticipatory bail application would not mean that any accused who is taken into custody cannot file a bail application. The bail application had been rejected initially on the score that the provisions of the Act had been invoked. That is quashed by the coordinate Bench. It is then, the respondent seeks regular bail. The regular bail is granted not by a perfunctory order but by a detailed order. Interference at the hands of this Court on the order granting regular bail on its merits cannot be a matter of course. He would seek dismissal of the petition as the person once enlarged on bail can be cancelled, if conditions of bail have been violated. It is not the case of the State that the respondent has violated any of the

bail conditions. On this score, he would seek the dismissal of this petition.

6. The learned State Public Prosecutor - 1 would vehemently refute the submissions of the learned counsel for the respondent in contending that quashment of the allegations which involve the offences under the Act, which was quashed by the coordinate Bench is challenged before the Apex Court. Therefore, till the Apex Court answers, the respondent should not have been granted bail at all. He would seek setting aside of the impugned order and allowing of the petition.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are not in dispute. The criminal law is set into motion on 15-07-2025, which becomes a crime in Crime No.73 of 2025, wherein the respondent is drawn as accused No.5. After commencement of the investigation by the CID, the competent authority permitted invocation of the provisions of the Act on 02-08-2025. The respondent challenges registration of the

crime before this Court in Criminal Petition No.10290 of 2025. Interim protection was granted directing the State not to take coercive steps against the respondent. Another writ petition was filed in Writ Petition No.31304 of 2025 challenging invocation of the provisions of the Act *inter alia*. In the said Writ Petition an interlocutory application is also filed by the respondent seeking protection from arrest. The coordinate Bench in terms of its order dated 19-12-2025 quashes the invocation of the provisions of the Act but rejects the prayer for protection from arrest. The respondent then approaches the sessions Court by filing a Criminal Petition No.17538 of 2025 seeking anticipatory bail which comes to be rejected in terms of the order dated 10-02-2026. Thereafter, the respondent approaches the Apex Court in SLP (Crl.) No.2619 of 2026 seeking anticipatory bail, which however comes to be withdrawn by the respondent on 12-02-2026. The respondent is then remanded to police custody and then to judicial custody, after which, he moves an application seeking enlargement on regular bail. Despite the very objections of the learned State Public Prosecutor that are projected before this Court, bail is granted by the concerned Court for the following reasons:

"....

14. **POINT NO.1**: Shorn of unnecessary details, the brief facts leading to the above case is that a brutal murder of Shivaprakash @ Biklu Shiva had taken place on 15.07.2025 in front of his house by some unknown 8 to 9 assailants. The said incident was witnessed by his driver and also by one Imran Khan and thereafter the criminal law was set into motion on the basis of the written information lodged by the mother of the deceased. In the said FIR, the name of the petitioner was shown as accused No.5 and later on the Bharathi Nagar Police had registered FIR in Crime No.73/2025 and had got arrested accused No.1 to 4, 6 to 19. During the pendency of the investigation, the case was transferred to CID, Bengaluru for the purpose of investigation and in the interregnum the provisions of KCOCA came to be invoked which was successfully challenged by the petitioner before the Hon'ble High Court of Karnataka which ultimately lead to quashment of the invocation of KCOCA. The petitioner had unsuccessful filed anticipatory bail petitions before this Court and also before the Hon'ble High Court of Karnataka, wherein discretionary relief of anticipatory bail came to be rejected which ultimately confirmed by the Hon'ble Apex Court. In the midst of the same, the petitioner came to be arrested and remanded to custody on 12.02.2026. On various grounds the present bail petition has been filed.

15. It is noticed from the records that initially the written information was filed against accused No.1 to 5 and unknown persons by the mother of the deceased. No doubt at the time of initiating the criminal law into motion, the first informant/complainant will not be in a position to ascertain the entire intricacies of a case which would require investigation. Even otherwise, it is the settled principle of law that the FIR cannot be considered as an encyclopedia giving remotest and minute detail of the facts of case. In the instant case, initially a notice came to be issued by the Bharathinagar Police Station to accused No.2 and also to accused No.5 for their appearance before the Investigating Officer. In fact it is an admitted fact

that accused No.5 had appeared before the then Investigating Officer and subjected himself to interrogation. However, at that point of time the petitioner herein had filed a criminal petition before the Hon'ble High Court of Karnataka, wherein an interim order came to be passed restraining the respondent from taking coercive steps. However, the authorities were permitted to continue with their investigation and also to interrogate the petitioner if required. The learned Senior Counsel for the petitioner has vehemently submitted that during the aforesaid period of investigation of about 5 months by the CID to whom the files came to be transferred on account of transfer of investigation from Bharathinagar Police to them, they had not thought it fit to summon the petitioner for the interrogation. It is his submission that all throughout the investigation it was contended by the investigating authorities that custodial interrogation of the petitioner is required since he was the main conspirator for commission of the murder of Shivaprakash @ Biklu Shiva.

16. In this background, the contentions urged by the parties and also by the prosecution is required to be appreciated. It is noticed from the records that a final report has already been placed before the committal court against accused No.1 to 4, 6 to 19 and whereas the investigation authorities has reserved their opportunity to file additional charge-sheet under Sec. 187(3) of BNSS, 2023 as and when the investigation is completed. It is also noticed from the records that subsequently the petitioner had filed an anticipatory bail petition before this court and even at that juncture it was argued that custodial interrogation is very much essential for effectively bringing out the truth in the above case. As noticed from the records, the deceased Shivaprakash who was an history sheeter and having 16 criminal cases of heinous offences registered against him was into a real estate business and was involved in various land disputes. One such land dispute was pertaining to Pai Layout dispute which had taken place in the year 2024. Thereafter, a quarrel had ensued

between the deceased Shivaprakash and that of accused No.1 Jagadish @ Jagga. It is relevant to note that even accused No.1 Jagadish @ Jagga was also a history sheeter and was trying for various criminal cases pending against him. It is the case of prosecution that day by day the prevailing vengeance between the deceased and that of accused No.1 had increased and the blessings of the petitioner acted as a catalyst for commission of murder. It is further submitted that thereafter the deceased had another litigation property situated at Kittaganur, Bengaluru, wherein the deceased was warned not to enter into the premises. However, showing the scant respect to the same, the deceased Shivaprakash had entered into that land and had even demolished the wall which was being constructed over the said property. The aforesaid incident at Kittaganur had taken place in the month of February-2025, wherein at that point of time the accused No.1 Jagadish along with accused No.20 Ajith had visited Prayagraj for Kumbha Mela and it is also submitted that even the petitioner had travelled in the very same flight to attend Kumbha Mela. The aforesaid facts are pointed out by the prosecution to indicate that it was the triggering point and the motive for commission of murder of Shivaprakash. It is also noticed from the records that on 11.02.2025, a quarrel had ensued between the deceased and that of the accused No.2. At that point of time, the deceased had abused accused No.1 Jagadish in filthy language which later on was viralled in Youtube. The prosecution contends that by looking into the aforesaid aspects and also by noticing the aggressive conduct of the deceased, the accused persons had hatched conspiracy to eliminate him and in furtherance of the same the act of murder was committed. However, it is required to consider that whether the quarrel that had taken place in the year 2024 and subsequently in the month of February 2025 between some of the accused persons and deceased can be considered as motive and intention to commit the aforesaid offence.

17. It is the settled principles of law that the question of conspiracy is required to be determined on the basis of the

circumstantial evidence as no direct materials would be available to indicate the existence or otherwise. **In the instant case, it is alleged that the incident was conspired between the accused persons and in order to eliminate the deceased Shivaprakash @ Biklu Shiva, a plan was hatched and in furtherance of the same, he was attacked and later on made to die on 15.07.2025. On perusal of the entire records, it is noticed from the prosecution case that mainly they are highlighting upon the incident that had taken place at Pai Layout. It is also relevant to note that the incident of Pai Layout had led to registration of various complaints, one by the deceased himself. The learned Senior Public Prosecutor during the course of his arguments has vehemently argued that if the Court looks into the complaint which was registered by the deceased Shivaprakash @ Biklu Shiva on 18.02.2025, the same would be in the form of dying declaration. In my humble opinion, the said aspect cannot be accepted and certainly the submission that the complaint dated 18.02.2025 itself would lead to a dying declaration is not the correct proposition of law for the reason that immediately thereafter the deceased was not murdered nor he was on a death bed while lodging the aforesaid complaint. At the cost of repetition it is to be noticed from records that several volley of complaints came to be filed by the deceased against the accused persons and also the accused No.1 Jagadish @ Jagga who was also a history sheeter had filed complaint against the deceased. It is noticed from the charge-sheet that the deceased had picked-up quarrel with various persons and was creating ruckus in the society by raising land disputes. It is most humbly submitted that the Court is not certifying the act of any of the persons but is only sifting and weighing the materials to ascertain whether the question of conspiracy can be attributed to the quarrel that had taken place. I have carefully appreciated the contents of the complaint mentioned above. In the said complaint it is narrated**

that a request was made by the complainant stating that the petitioner herein had efforts to alter the land records to reflect the made fraudulent claims of ownership over the property including the one which was owned by him. Per contra, the learned Senior Counsel has also submitted certain documents in order to justify his contentions. It is his submission that merely a complaint and another cross complaint came to be filed by both the parties, the same cannot be construed as a motive or intention to commit the crime. Even otherwise, the registration of FIR itself was stayed by the kind orders passed by the Hon'ble High Court of Karnataka.

18. Now coming to the other aspect of the materials which has been collected by the Investigating Agency, the learned SPP has vehemently argued that during the course of investigation it was noticed that immediately after commission of the offence i.e., on 15.07.2025, the tower location of accused No.1 Jagadish @ Jagga was found within the same vicinity as that of tower location of the petitioner herein. In short, it is submitted that both the phone numbers indicated of being present within a radius of 500 meters. The learned SPP has submitted that 500 meters necessarily does not mean that they were each at a distance of 500 meters but it has to be construed as anything between 1 meter to 500 meters and probably they might have been together immediately after the commission of murder. The aforesaid aspect has been stoutely objected by the learned Senior Counsel and he has submitted that absolutely no nexus or aspersions can be attributed to the petitioner herein and it is the submission that as per the records. the accused No.1 Jagadish @ Jagga after commission of the murder had reached the International Airport and it is a matter of fact that on his way he has to pass through the road which is in front of the house of the petitioner. In other words, merely because the tower

location was showing the radius as 500 meters between the petitioner and accused No.1, it cannot be presumed that they both had hatched a conspiracy for the commission of murder and that too on the basis of surmises and conjectures. Even otherwise, the learned Senior Counsel has pointed out to the CDR Reports which was placed in the charge-sheet and also by the learned SPP. By pointing out to the same, he has argued vehemently that at no point of time there was any telephonic conversation between the petitioner and accused No. 1. It has also been canvassed at bar by the learned Senior Counsel that, apart from merely pointing out that the petitioner had acquaintance with accused No.1, no other materials were pointed out in the entire charge-sheet. It is his submission that no electronic evidence of any kind or CDR messages or any communication between the petitioner and other accused persons just prior to the incident on 15.07.2025 is produced by the prosecution. It is his submission that the investigation had commenced on 15.07.2025 and in spite of lapse of more than 7 months, no concrete materials are available against the petitioner herein. The said submission seems to be correct and appropriate. That apart, it is also submitted that no evidence would whatsoever are issued by the prosecution that the petitioner had knowledge about the incident of 15.07.2025. Even otherwise, it is submitted that no extra judicial confession was made available against the petitioner from that of other co-accused persons. Though the extra judicial confession is a weak evidence under the eyes of law, the Court in order to ascertain the existence or otherwise of a prima-facie material can always look into the statement of the co-accused. In the instant case, around 18 accused persons were arrested and remanded to custody and off-late the accused No.20 Mr. Ajith with whom it is alleged that accused No.5/petitioner was having acquaintance also does not

indicate of any communication or any statement in this regard to justify the case of prosecution.

19. I have also bestowed my anxious reading to the statement of accused No.2 Kiran which is furnished in the charge-sheet and also separately by the learned SPP. The confession statement of accused that to what in fact the conversation that had taken place between accused No.2, accused No.3 and also with other accused persons. In that conversation it has been stated by accused No.2 Kiran that they had decided to eliminate Shivaprakash and if he was eliminated they can continue with their real estate without any hindrance and further it is narrated by him that they had decided to get surrendered before the Court by waging a legal battle through Mr. Ajith, who was later on arraigned as accused No.20 in this case and also it is stated that accused No.1 had assured them to take care of their family members who were to be involved in the murder and also had stated that if they require any further help, they can always seek it from the petitioner herein. Apart from the aforesaid words it is noticed from the statement that they had thought of seeking further help from the petitioner. Likewise, the confession statement of accused No.3 Vimal Raj @ Vimal which was also recorded on 10.09.2025 indicates about the very same aspect which is also verbatimly similar. The learned SPP has submitted that though a stray statement referring to the name of the petitioner is made in the confession statement, it would be relevant to look into the manner in which the conspiracy was hatched by the other accused persons and how they had taken it forward. Though the aforesaid statements seem to be attractive at the first instance, it is always relevant to note that confession statement of a co-accused is a very weak type of evidence and at best it can only lend assurance to the case of the prosecution and nothing more than that can be referred into.

xx xx xx

25. By looking to the aforesaid aspects and taking into account the facts and circumstances of the case, the contentions urged by the prosecution to detain the petitioner in custody is not justified. Last but not the least, as rightly argued by the learned Senior Counsel with respect to the authority of the Hon'ble Apex Court in the judgment rendered in 1974(3) SCC 277 (State of Punjab Vs. Jagir Singh), wherein it has been as follows;

23. A criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and phantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the crime with which he is charged. Crime is an event in real life and is the product of interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the court has to judge the evidence by the yardstick of probabilities, its intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the courts should not at the same time reject evidence which is ex facie trustworthy on grounds which are fanciful or in the nature of conjectures."

26. Under these circumstances, on perusal of **the remand application which is filed by the Investigating Agency would indicate that his custodial interrogation is not required and even otherwise the petitioner's custodial interrogation was completed and now he has been remanded to judicial custody. The question of flight risk or apprehension or tampering the prosecution witnesses can be taken care of by imposing stringent conditions.** Ergo, I answered point No.1 in the affirmative.

27. Point No.2: In view of my findings on point No. 1, I proceed to pass the following:-

ORDER

The bail application filed by the B.A. Basavaraja under Sec. 483 of BNSS is hereby allowed and the petitioner is enlarged on bail in petitioner Crime No.73/2025 on executing personal bond for Rs.2,00,000/- with two sureties for the like-sum subject to following conditions;

- 1) The petitioner shall not threaten or tamper the prosecution witness;
- 2) The petitioner shall not directly or indirectly make an attempt to influence any of the witness:
- 3) The petitioner shall appear before the Investigating Agency as and when called by them and render full co-operation for the purpose investigation, if any;
- 4) The petitioner shall not leave the jurisdiction of this court or travel abroad without obtaining written permission from the Court;
- 5) The petitioner shall regularly appear before the Court and co-operate for conducting the trial without seeking unnecessary adjournments;
- 6) The petitioner shall also appear before the Investigating Officer once in a month on any second Sunday between 09.00 AM to 05.00 PM and he shall mark his attendance for a period of 3 months or till the date of filing the additional complaint if any and whichever is earlier;
- 7) The petitioner shall file an affidavit furnishing the details of his permanent address, mobile number and email address and Passport Number with an undertaking that he will not leave the country without obtaining necessary permission from the court."

(Emphasis added)

It is on the aforesaid reasons, the concerned Court enlarges the respondent on grant of regular bail. The issue now would be, whether the bail so granted by the concerned Court deserves to be cancelled by this Court in the subject petition.

9. A perusal at the impugned order would not brood over non-application of mind or perfunctory reasons rendered for grant of bail. The order is reasoned and the respondent has admittedly not violated any of the conditions of bail so granted, till date. If the arguments of the petitioner are considered, it is evident that the petitioner seeks to set aside the order granting regular bail, primarily on the ground that the said order is unsustainable on merits, thereby inviting this Court to undertake a mini-trial. Further, the petitioner seeks cancellation of the bail granted to the respondent without alleging any violation of the conditions imposed under the bail order.

10. At this juncture it becomes apposite to refer to the judgment of the Apex Court in the case of **DOLAT RAM v. STATE**

OF HARYANA¹, wherein the Apex Court while considering the parameters for cancellation of bail, observes as follows:

"....

4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted."

The Apex Court observes that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have arisen justifying such cancellation.

¹ (1995) 1 SCC 349

11. Later, the Apex Court in the case of **KAILASH KUMAR v. STATE OF H.P.**², observes that while considering an application for cancellation of bail, the High Court cannot conduct a mini trial. The Apex Court holds as follows:

"....

10. The decision of this Court in *Ajwar v. Waseem*¹, relied on by the High Court, has been perused. In terms of such decision, **while seized of an application for cancellation/revocation of bail, the considerations (illustrative, not exhaustive) which ought to weigh with the courts are whether: (i) the accused has misused the concession of liberty; (ii) he has been delaying the trial; (iii) he has been influencing/threatening the witnesses; (iv) he has been tampering evidence in any manner; and (v) there has been any supervening circumstance after grant of bail warranting a relook. The decision also lays down that orders granting bail could be interfered with if the same are found to be perverse or illegal in the sense that the Court's conscience is shocked or extraneous material has been considered.**

11. Despite quoting relevant passages from the decision in *Ajwar* (supra), the High Court does not appear to have adverted to any of the relevant considerations in the present case; hence, the question of recording a satisfaction that bail granted should be cancelled does not arise.

12. Instead, what the High Court did was to embark upon conducting sort of a mini-trial at the stage of considering whether the bail should be cancelled or not. According to the High Court, presence of the appellant and the co-accused at the scene of occurrence and causing of injury to the complainant-PW1 by the appellant being undisputed and notwithstanding that the injury caused by him is simple, there

² 2025 SCC OnLine SC 3035

was common intention for which Section 34 of the IPC is attracted. There are also other observations in the impugned judgment having the potential of affecting the trial and sounding the death knell for the appellant, which we do not consider necessary to refer at this stage.

13. Suffice to observe, liberty of an individual being a precious right under the Constitution, the Courts ought to be wary that such liberty is not lightly interfered. We are satisfied that there was no valid reason for the High Court to cancel the bail without there being any material to show, even *prima facie*, that conduct of the appellant post grant of bail has been such that he should be deprived of his liberty. There are also no allegations of influence being exerted or threat extended to the witnesses or of tampering the evidence. Material to demonstrate that dilatory tactics have been adopted to procrastinate the trial is also conspicuous by its absence.

14. In such view of the matter, we are of the considered opinion that the High Court was completely in error and unjustified in cancelling the bail of the appellant."

(Emphasis supplied at each instance)

The Apex Court emphasizes that liberty of an individual being a precious Constitutional right cannot be interfered with lightly.

12. If the grant of regular bail by the concerned Court is considered on the touchstone of the principles laid down by the Apex Court in the afore-quoted judgments, what would unmistakably emerge is that, there is no warrant to interfere with

the order so passed and cancel the bail granted to the respondent, as there are no circumstances warranting interference to answer the petition in favour of the State.

13. Finding no merit in the petition, the petition stands ***rejected.***

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
CT:BR