



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 695 OF 2026 (U/S 14(A) (2))

BETWEEN:

SHREYAS @ SHEKY
S/O CHANDRASHEKHAR,
AGED ABOUT 25 YEARS,
R/AT 5TH CROSS, NEAR
SHIVAKUMARASWMIJI
CONVENTIONAL HALL,
GOKULA EXTENSION,
TUMAKURU TOWN,
TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 101.

...APPELLANT

(BY SRI. LAKSHMIKANTH R., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY DCRE POLICE,
TUMAKURU.
REP. BY STATE PUBLIC PROSECUTOR,



HIGH COURT BUILDING,
BENGALURU – 560 001.

2. SUNDARESH,
S/O LATE GANGAHANUMAIAH
@ GUNDANNA,
AGED ABOUT 31 YEARS,
R/AT SUBASH NAGARA,
TUMAKURU TOWN,
TUMAKURU - 572 101.

...RESPONDENTS

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

THIS CRL.A FILED U/S 14(A)2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 18.03.2026 PASSED IN CRL.MISC.NO.374/2026 (SPL.C.NO.52/2026, ARISING OUT OF CR.NO.194/2025), BY THE LEARNED III ADDL. DISTRICT AND SESSIONS JUDGE, PREVENTION OF ATROCITIES REGISTERED BY RESPONDENT NO.1, DCRE POLICE TUMAKURU AND RELEASE THE APPELLANT ON REGULAR BAIL FOR THE ALLEGED OFFENCE P/U/S 103(1), 189(2), 191(2), 191(3) R/W 190 OF BNS 2023 AND SEC.3(2)(v) OF SC/ST (POA) ACT 1989.

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



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. This criminal appeal is filed by the appellant who is arrayed as accused No.9 seeking regular bail being aggrieved by the order dated 18.03.2026 passed in CrI.Misc.374/2026 on the file of Hon'ble III Additional District and Sessions Judge, Tumakuru for the offences punishable under Sections 103(1), 189(2), 191(2), 191(3) read with 190 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(v) of the SC/ST (POA) Act, 1989.

Factual matrix of the case:

2. The case of the prosecution is that respondent No.2 is the brother of the deceased-Abhishek @ Abhi, they belonged to the Scheduled Caste. There was a rift between accused No.2 and abhishek. Accused No.1 with intention to get the matter resolved, had invited all the persons to convene a panchayath. However, in the said panchayath the quarrel took place between the said Abhishek and accused persons. The accused persons assaulted the deceased-Abhishek and committed his murder. Hence, the complaint. The respondent – Police after



registering the case, conducted investigation and submitted the charge-sheet.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant submits that the appellant is innocent of the alleged offences. The overt-act against him is that accused Nos.8 and 9 fell the deceased down on the ground and thereafter, other accused persons have assaulted him till his death. The overt-act itself would indicate that the appellant had no intention to commit murder of the deceased and he has not facilitated others to commit murder.

5. It is further submitted that the appellant has no criminal antecedents and he is aged about 25 years and a resident of Tumakuru Town and also he is the earning member of the family. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Moreover, the accused No.2 has been enlarged on bail by the Co-ordinate Bench of this Court. Hence, he may be enlarged on bail on parity. Making such submissions learned counsel for the appellant prays to allow the appeal.



6. *Per Contra*, learned High Court Government Pleader for respondent – State vehemently submitted that the deceased had been killed brutally by the appellant and others. The manner in which the assault has taken place clearly indicates the seriousness and gravity of the offence. Therefore, it is not appropriate to show any leniency to the appellant and the appeal may be dismissed. 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 indicates that the deceased-Abhishek was killed by accused persons. It is alleged that the appellant herein and another accused who is arrayed as accused No.8 restrained the said Abhishek and fell him down to facilitate others to commit the murder of the deceased.

8. Be that as it may, the averments of the charge-sheet would indicate that, he has facilitated other accused persons to commit murder. Even though, he was present at the spot, he has not assaulted the deceased. Having considered his role in the said murder, it is appropriate to grant



him bail by imposing suitable conditions that would take care of the apprehension of the prosecution. Moreover, no criminal antecedents are leveled against him.

9. Hence, I proceed to pass the following:

ORDER

- i. The Criminal Appeal is ***allowed.***
- ii. The appellant is ordered to be enlarged on bail passed in Crl.Misc.374/2026 dated 18.03.2026 on the file of Hon'ble III Additional District and Sessions Judge, Tumakuru for the offences stated supra, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Trial Court.
- iii. The appellant shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.
- iv. The appellant shall appear before the Trial Court on all hearing dates, without fail.



- v. The appellant shall not indulge in any criminal cases till disposal of the case.

In case if 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

NM
List No.: 1 SI No.: 24