



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 723 OF 2026 (U/S 14(A) (2))

BETWEEN:

VENKATAGIRIGOWDA,
S/O PUTTASWAMIGOWDA,
AGED ABOUT 38 YEARS,
R/AT RAMAPURA VILLAGE,
KASABA HOBLI,
CHANNAPATNA TALUK,
BENGALURU SOUTH
DISTRICT - 562 160.

...APPELLANT

Digitally
signed by
SUSHMA
LAKSHMI B
S

(BY SRI. A.N. RADHA KRISHNA., ADVOCATE)

Location:
High Court
of Karnataka

AND:

1. THE STATE OF KARNATAKA
BY DCRE POLICE,
RAMANAGARA,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,



HIGH COURT BUILDINGS,
BENGALURU - 560 001.

2. SMT. SUDHA,
W/O RAVI,
AGED ABOUT 33 YEARS,
R/AT S.D. JAYARAMA LAYOUT,
SUGAR TOWN ROAD,
MANDYA CITY,
MANDYA - 571 401.

...RESPONDENTS

(BY SRI. P. THEJESH., HCGP FOR R1;
R2 IS 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 HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 27.03.2026, PASSED BY THE LEARNED I ADDL DISTRICT AND SESSIONS JUDGE, RAMANAGARA, PASSED IN CRL.MISC.NO.104/2026 AND ALLOW THE APPEAL AND ENLARGE HIM ON BAIL IN SPL.C.NO.14/2026 (CR.NO.83/2025) OF RAMANAGARA DCRE POLICE, FOR OFFENCE P/U/S 103, 238 OF BNS 2023 AND U/S.3(2)(v) OF SC/ST (PA) ACT 2015.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

This appeal is filed by the appellant/accused No.1 seeking to set aside the order dated 27.03.2026 passed in Crl.Misc.No.104/2026 by the learned I Additional District and Sessions Judge, Ramanagara and to enlarge him on bail in Crime No.83/2025 registered by the respondent-Police for the offences punishable under Sections 103 and 238 of Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution is that an unidentified dead body was found on a railway track on 26.10.2025 around 10.40 pm. On registering the case, the respondent-Police have conducted investigation. During investigation, the facts of the case have unfolded in such a way that C.W.26 and C.W.27 have seen accused Nos.1, 2 and the deceased were going towards railway platform No.1 of Channapatna. Based on the said information, the respondent-Police have apprehended accused Nos.1 and 2. Upon enquiry, they stated that there was a dispute between accused No.1 and the deceased in respect of



Rathna, who is the fiancé of accused No.1. In order to eliminate the deceased, he hatched a plan. Accordingly, the same has been executed with the help of accused No.2.

3. It is further stated that both of them committed the murder of the deceased and threw the dead body on a railway track.

4. The respondent-Police after completing the investigation submitted the charge sheet.

5. The submission of the learned counsel for the appellant is that the entire case is based on circumstantial evidence. There is a delay in recording the statement of C.W.26 and C.W.27 who are the material witnesses. The entire case is based on the voluntary statement of the accused. Therefore, the appellant may be enlarged on bail by imposing suitable conditions. 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 application.



6. *Per contra*, learned High Court Government Pleader for respondent-State vehemently submitted that the appellant who is arrayed as accused No.1 committed the murder of the deceased on account of the existing enmity between himself and the deceased with respect to one Rathna, who is stated to be the fiancé of accused No.1. Although, the case rests on circumstantial evidence, the last seen theory has been established by filing the charge sheet in respect of this appellant. Therefore, he is not entitled for any relief as prayed for. Making such submissions, learned High Court Government Pleader prays to reject the appeal.

7. Having heard the learned counsel for the respective parties and on perusal of the averments of the charge sheet, which would indicate that the entire case is based on circumstantial evidence. The charge sheet has already been filed and the appellant is not required for any further investigation. Having considered the said aspect, it is appropriate to grant the relief as prayed for. Hence, I proceed to pass the following:



ORDER

- i) The appeal is ***allowed***.
- ii) The order dated 27.03.2026 passed in Crl.Misc.No.104/2026 by the learned I Additional District and Sessions Judge, Ramanagara for the offences punishable under Sections 103 and 238 of Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set aside.
- iii) The appellant / accused No.1 is ordered to be enlarged on bail in Crime No.83/2025 registered by the respondent-Police, on executing 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, subject to the following conditions:
 - a) The appellant shall not threaten or tamper the prosecution witnesses.



- b) The appellant shall appear before the
Trial Court on all hearing dates.

SD/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 SI No.: 25