



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 726 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. B.H. VIJAY KUMAR @ VIJAY,
S/O HANUMANTHAIAH,
AGED ABOUT 28 YEARS,
OCC: FLOWER DECORATOR,
R/AT DOMBARAHATTI ROAD,
EREKEHALLI VILLAGE,
KUNIGAL TALUK,
TUMKUR DISTRICT – 572 130.

PERMANENT ADDRESS
BEHIND AKASH THEATRE,
CHALUVENA STREET,
MOTEGOWDARA COMPLEX,
KUNIGAL TOWN,
TUMKUR DISTRICT – 572 130.

...APPELLANT

(BY SRI. MAHESH KUMAR K M., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
MADANAYAKANAHALLI P.S.,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,



BENGALURU – 560 001.

2. SRI. OMKARAPPA,
S/O VEERABHADRAPPA,
AGED ABOUT 46 YEARS,
R/AT NO.150, SANJEEVINI
LAYOUT, LAKSHMIPURA,
DASANAPURA HOBALI,
BENGALURU NORTH TALUK,
BENGALURU DISTRICT – 562 162.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA., HCGP FOR R1;
SMT. MANJULA D., ADVOCATE FOR R2)

THIS CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT/S PRAYING TO SET ASIDE THE ORDER DATED 24.02.2026 ON BAIL APPLICATION FILED BY THE ACCUSED NO.5/APPELLANT U/S 439 OF CR.PC, PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN SPL.C.NO.886/2022. CONSEQUENTLY ENLARGE THE ACCUSED NO.5/APPELLANT ON REGULAR BAIL IN CRIME NO.423/2022 FOR THE ALLEGED OFFENCES P/U/S 302, 201 R/W 149 OF IPC AND SECTION 3(2)(V) OF THE SC AND ST ACT 1989, REGISTERED BY THE MADANAYAKANAHALLI POLICE.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. The appellant is before this Court seeking regular bail in Crime No.423/2022 passed in Spl.C.No.886/2022, for the offences punishable under Section 302, 201 read with Section 149 of Indian Penal Code and Section 3(2)(V) of the SC & ST Act, 1989 on the file of II Additional District and Sessions Judge and Special Judge, Bengaluru Rural District, Bengaluru.

Factual matrix of the case:

2. The case of the prosecution is that a complaint came to be registered by the stranger stating that some unknown persons were talking about the death of unknown person. He went to the spot and saw that one person was in a sitting position, however, he died in the said position. On seeing the said person the complainant observed the description of the said person and lodged a complaint. Based on the complaint the respondent – Police registered a case, conducted investigation. During the investigation the facts of the case has been unfolded in



such a way that on 27.08.2022 around 12.00 noon, the deceased was taken to Byregowda Layout from SRS Garage, Nelamangala Town by the accused Nos.1 to 5 on the pretext that the deceased was talking bad about the wife of the accused No.1. Further, the averments of the charge-sheet would indicate that the deceased was assaulted and killed.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant submitted that the appellant is arrayed as accused No.5. The entire case is based on circumstantial evidence. None of the witnesses have spoken about the presence of the appellant. Even, some of the witnesses have been examined before the Court, none of the witnesses have spoken about the participation of this appellant. Therefore, keeping him in judicial custody would not serve any purpose under such circumstance.



5. It is further submitted that since the appellant has not committed any offence and the witnesses have not supported the case, he may be enlarged on bail by imposing suitable conditions. The appellant 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 appellant prays to allow the appeal.

6. *Per Contra*, learned High Court Government Pleader for respondent vehemently submitted that even though the entire case is based on circumstantial evidence, the fact remains that, the involvement of the appellant as per the investigation has been established and overt-act of this appellant has also been mentioned in the charge-sheet. Some of the witnesses have been examined and still some more witnesses to be examined. Under such circumstances at this stage, it is not appropriate to grant the relief as prayed for in order to protect the interest of the witnesses. 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 discloses that, the entire case is based on circumstantial evidence. On going through the depositions of some of the witnesses made available by the learned counsel for the appellant, none of the witnesses have supported the case in respect of the appellant/accused No.5. Having considered the said aspect it is appropriate to grant the relief as prayed for.

8. Hence, I proceed to pass the following:

ORDER

- i. The Criminal Appeal is ***allowed.***
- ii. The appellant is ordered to be enlarged on bail in Spl.C.No.886/2022, for the offences stated *supra*, on the file of II Additional District and Sessions Judge and Special



Judge, Bengaluru Rural District, Bengaluru,
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/-