



CNR: KAHC010300122026

NC: 2026:KHC:47048
CRL.A No. 755 of 2026
C/W CRL.A No. 752 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 755 OF 2026 (U/S 14(A)(2)

C/W

CRIMINAL APPEAL NO. 752 OF 2026 (U/S 14(A)(2)

IN CRL.A No. 755/2026

BETWEEN:

MR. CHETHAN @ KEMPA,
S/O. SHEKHARA,
AGED ABOUT 21 YEARS,
R/OF NEAR SRIVARA BAR,
VINAYAKA NAGARA,
HASSAN – 573 201.

...APPELLANT

(BY SRI. KUMARA K G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH DY.SP CIVIL RIGHTS
ENFORCEMENT DIRECTORATE,
HASSAN – 573 201.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.
2. MR. CHANDRU,
S/O. MALINGAIAH,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of Karnataka



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AGED ABOUT 46 YEARS,
R/OF BEHIND OFFICE OF
SERICULTURE DEPARTMENT,
DEVARAYAPATTANA VILLAGE,
KASABA HOBLI,
HASSAN TALUK - 573 201.

...RESPONDENTS

(BY SRI. DIWAKAR MADDUR., HCGP FOR R1;
SRI. RISHIKESH M. KOTTUR SHETTAR, ADVOCATE FOR R2)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT,
2015 BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET
ASIDE THE ORDER 23.01.2026, PASSED BY THE I ADDL.
DISTRICT, SESSIONS AND SPECIAL JUDGE, AT HASSAN, IN
SPL.C.475/2025 AND ENLARGE THE APPELLANT ON BAIL IN
CRIME NO.233/2025 OF THE RESPONDENT - P.S., FOR THE
OFFENCE P/U/S 103(1), 49, 61(2), 189(2), 189(4), 191(3),
351(2), 351(3) R/W 190 OF BNS AND SEC.3(2)(v) OF SC/ST
ACT 1989.

IN CRL.A NO. 752/2026

BETWEEN:

MR. LIKHITH S. GOWDA @ LIKKI,
S/O. SHIVANNA,
AGED ABOUT 20 YEARS,
R/OF KUPPALLI VILLAGE,
HASSAN TALUK AND
HASSAN - 573 201.

...APPELLANT



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AND:

1. STATE BY KARNATAKA
THROUGH DY.SP CIVIL RIGHTS
ENFORCEMENT DIRECTORATE
HASSAN – 573 201.
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU- 560 001.

2. MR. CHANDRU,
S/O. MALINGAIAH,
AGED ABOUT 46 YEARS,
R/OF BEHIND OFFICE OF
SERICULTURE DEPARTMENT,
DEVARAYAPATTANA VILLAGE,
KASABA HOBLI,
HASSAN TALUK – 573 201.

...RESPONDENTS

(BY SRI. DIWAKAR MADDUR., HCGP FOR R1;

SRI. RISHIKESH M. KOTTUR SHETTAR, ADVOCATE FOR R2)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA)
ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING TO
SET ASIDE ORDER DT.26.12.2025 PASSED BY THE I ADDL.
DISTRICT, SESSIONS AND SPECIAL JUDGE AT HASSAN, IN
SPL.C.NO.475/2025 AND ENLARGE THE APPELLANT ON
BAIL IN CR.NO.233/2025 OF THE RESPONDENT – POLICE
STATION FOR THE OFFENCE P/U/S 103(1), 49, 61(2),
189(2), 189(4), 191(3), 351(2), 351(3) R/W SEC.190 OF
BNS AND U/S 3(2)(v) OF SC/ST (POA) ACT.

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



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CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. These appeals are filed by the appellants, who are arraigned as accused Nos.1 and 2, seeking to set aside the order dated 23.01.2026 in Spl.C. No.475/2025 on the file of the I Additional District, Sessions & Special Judge, at Hassan and for releasing them on regular bail.

Factual matrix of the case:

2. The case of the prosecution is that accused No.1 and the deceased Ankith were friends. On 25/08/2025, accused Nos.1 and 3 had allegedly taken the mobile phone of C.W.6 and harassed him by not returning the same. When the said fact was intimated to the deceased Ankith, he abused accused Nos.1 and 3 and got back the mobile of C.W.6. On 26/08/2025 at about 2.00 p.m., behind Annapurneshwari Bar at Vijayanagara, when the deceased Ankith went along with CW2 and CW3, accused Nos.1, 3 and children in conflict with law Nos.2 and 3 were there. At that time, the deceased Ankith questioned accused Nos.1 and 2 as to why they were tormenting



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CW6 with regard to his mobile and also threatened them that if they committed the same once again to his friend, he would take out their lives. Accused Nos.1 and 3 also threatened Ankith in the said scuffle and all of them conspired to eliminate the deceased Ankith. The accused No.1 informed accused No.2 about the quarrel which took place and told accused No.2 to bring deceased Ankith to Yarehalli road in order to kill him. The accused No.2 accepted the same and told deceased Ankith to drop him on his bike to his village. When accused No.2 and deceased Ankith came near Yarehalli road, the accused No.1, children in conflict with law Nos.1 to 3 formed an unlawful assembly and at about 7:45 p.m., when the accused No.2 and deceased Ankith came on the motor cycle, the accused No.1 and the children in conflict with law Nos.1 to 3 restrained them by parking the bike across the road. When the deceased Ankith stopped the motorcycle, accused No.2 held him and the child in conflict with law No.2 threw chili powder into his eyes. Thereafter, accused No.2 left the deceased Ankith; he fell



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down on the ground. At that time, the accused No.1 assaulted the deceased on the backside of his head with a sickle. The child in conflict with law No.3 assaulted the deceased on the backside of his head with a sickle twice and also attacked his hands. The child in conflict with law No.1 assaulted the deceased with a sickle on his left hand, right leg, and nose. As a result of the said injuries, the deceased succumbed to the injuries at the spot. A complaint came to be registered by Chandra, the father of the deceased. On the basis of the said complaint, respondent - police conducted investigation and submitted the charge sheet.

3. Heard Sri Kumara K.G., learned counsel for the appellants, Sri Diwakar Maddur, learned High Court Government Pleader for respondent No.1 and Sri Rishikesh M. Kothur Shettar, learned counsel for the respondent No.2, in both appeals.
4. The submission of the learned counsel for the appellants is that, the overt act alleged against accused No.2 is that



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except that he brought the deceased Ankith to the Yarehalli road and facilitated the other accused to commit his murder and also he held the deceased Ankith at the time of assault, no other overt act is attributed against him.

5. It is further submitted that the overt act alleged against accused No.1 is that, he assaulted the deceased Ankith with a sickle on the backside of the head of the deceased Ankith. Thereafter, J1 to J3 have committed the murder of the deceased. The appellants are innocent of the alleged offenses. They have been falsely implicated and they had no intention to commit the murder of the deceased. The entire story is set up by the prosecution and the evidence has been fabricated in such a way. They are not habitual offenders. No case is pending against them. Hence, they may be enlarged on bail by imposing suitable conditions. Making such submissions, learned counsel for the appellants prays to allow the appeals.



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6. Per contra, the learned counsel for the respondent No.2 in both cases vehemently opposed the submissions and he further submitted that the acts committed by the appellants are heinous in nature. Both accused Nos.1 and 2 conspired to eliminate the deceased on account of previous enmity existing between them. The intention coupled with the execution of the work resulted in causing the death of the deceased. Therefore, at this stage, if the appellants are enlarged on bail, certainly there would be a threat to the witnesses and it gives a wrong message to the society. Therefore, it is not proper to grant any relief as prayed for in these appeals. Making such submissions, learned counsel for respondent No.2 prays to reject the appeals.
7. Similarly, the learned High Court Government Pleader for the respondent No.1 – State in both cases adopted the arguments advanced by the learned counsel for the respondent No.2 and prays to reject the appeals.



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8. Having heard learned counsel for the respective parties and also on perusal of the averments of the charge sheet, it is clear that there was enmity between the deceased and accused Nos.1 to 3 on account of a previous quarrel that had taken place in respect of mobile snatched by accused Nos.1 to 3 from CW6. Thereafter, accused Nos.1 to 3 have been insulted and threatened by the deceased. All the accused conspired and executed the plan and committed murder of the deceased. The overt acts of accused Nos.1 and 2 are very clear and unambiguous in the charge sheet. Therefore, it is not proper to grant any relief as prayed for.
9. Hence, both the appeals stand *dismissed*.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 Sl No.: 23