



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. 860 OF 2026

BETWEEN:

SRI SUDHAKAR K. C.
S/O K. V. CHANDRA SHETTY
AGED ABOUT 25 YEARS,
R/AT NO. 212Y, 2ND MAIN,
NEAR LINEN CLUB CLOTH SHOP,
CHANNAMMANAKERE,
ACHUKATTU, BSK 3RD STAGE,
BENGALURU - 560085

PERMANENT R/O KURUVANKA VILLAGE
BANAVARA POST,
ARASIKERE TALUK,
HASSAN - 573 103

...APPELLANT

(BY SRI. SURESH KUMAR K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KUMARASWAMY LAYOUT POLICE,
BANGALORE,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BANGALORE -560 001
2. SRI SHANKAR H. L.
S/O H. O. LINGANAYAKA,
AGED ABOUT 46 YEARS,
R/AT NO.9, ANANDAPPA BUILDING,
VEERASANDRA,
THIMAKKA LAYOUT,



ELECTRONIC CITY POST,
ANEKAL TALUK,
BANGALORE 560 100

...RESPONDENTS

(BY SRI.M.V.ANOOP, HCGP FOR R-1
R-2 SERVED)

THIS CRL.A. IS FILED U/S.14(A)(2) OF SC/ST (POA) ACT, 2015 TO SET ASIDE THE ORDER DATED 14.05.2026, PASSED BY THE HONBLE LXX ADDL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU (CCH-71) IN SPL.C.NO.816/2026 AND ENLARGE THE APPELLANT ON BAIL IN SPL.C.NO. 816/2026 ON THE FILE OF THE HONBLE LXX ADDL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU (CCH-71) FOR THE OFFENCE P/US/ 103(1), 238 OF BNS 2023 AND U/S.3(2)(v) OF SC/ST(POA) ACT 1989 REGISTERED BY RESPONDENT NO.1 (KUMAR SWAMY LAYOUT POLICE STATION), POLICE IN CRIME NO.364/2025 BY ALLOWING THE APPEAL.

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 being aggrieved by the order dated 14.05.2026 in Spl. C.No.816/2026 passed by the LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru (CCH-71) and seeking for releasing him on regular bail.

Factual matrix of the case:



2. The case of the prosecution is that deceased Mamatha H.L. belonged to Scheduled Caste and the appellant belongs to 2A category. Both of them were working as staff nurses at Jayanagara hospital and both were in love with each other. When the deceased learnt that the appellant was getting marriage proposals, she insisted the appellant to come and meet her near Neelasandra Tank and thereafter it is stated that both of them went to a rented house at Pragathipura and it is alleged that the appellant committed murder of deceased-Mamatha with a surgical blade. Thereafter, a complaint came to be registered by the brother of the deceased against unknown persons. During investigation, facts of the case have unfolded and appellant has been arrested by the respondent - Police. Thereafter, Police conducted investigation and submitted the charge sheet.

3. Submission of the learned counsel for the appellant is that the case is based entirely on the circumstantial evidences and the presence of the appellant with the victim/deceased has not been established by the prosecution by filing the charge sheet. The appellant has been in judicial custody since last 7 months and he is the only earning member



of the family and he was working as a staff nurse and he is a permanent resident of Arsikere Taluk, Hassan and he is ready and willing to abide by the conditions that would be imposed by this Court in the event of release on bail. Therefore, the appellant may be enlarged on bail by imposing suitable conditions. Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned High Court Government Pleader vehemently submitted and filed statement of objection that both the appellant and the deceased were in love with each other. The appellant committed murder of the deceased by using a surgical blade. The mobile which was used by the deceased has been seized from the appellant after the incident. The circumstances would indicate that the appellant is the person who has committed the murder of the victim. C.W.16, 19 and 21 are the witnesses, who have stated that both the deceased and appellant used to frequently visit the rented house at Pragathipura where the deceased died. Therefore, the appeal filed by the appellant has to be dismissed. Making such submissions, learned High Court Government Pleader prays to reject the appeal.



5. Having heard the learned counsel for the respective parties and also on perusal of the averments of the charge sheet, it would indicate that the entire case is based on circumstantial evidences. None of the witnesses have stated that as on the date of the incident the appellant was present in the house of the deceased where she was killed.

6. Be that as it may, the appellant is in judicial custody since 7 months and he is the earning member of his family and he is aged about 25 years. Considering the avocation and also the facts and circumstances of the case, it is appropriate to allow the appeal.

7. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is ***allowed***.
- ii) The impugned order passed by the learned LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru (CCH-71) in Spl. C.No.816/2026 dated 14.05.2026 is set aside.
- iii) The appellant is directed to be enlarged on bail in Crime No.364/2025 of Kumaraswamy Layout Police Station, Bengaluru City registered for the offences punishable under Sections 238 of



Bharatiya Nyaya Sanhita, 2023, Section 3(2)(V) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 103(1) of Bharatiya Nyaya Sanhita, 2023, subject to the following conditions:

- a) Appellant shall execute 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 jurisdictional Court.
- b) Appellant shall not threaten the prosecution witnesses.
- c) Appellant shall appear before the Trial Court on all dates of hearing.
- d) Appellant shall not hamper the Court proceedings.
- e) Appellant shall not leave the jurisdiction of the Court till disposal of the case.
- f) Appellant shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

Sd/-
(S RACHAIAH)
JUDGE