



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 874 OF 2026 (U/S 14(A) (2))

BETWEEN:

CHANDU @ BEKARY CHANDU
S/O. ANNAIAH,
AGED 22 YEARS,
R/AT. NEAR ARALIMARA,
HOLENARASIPURA ROAD,
CHANNAPATTANA,
HASSAN TOWN-01.

PRESENT ADDRESS :
BASAVAPATTANA VILLAGE,
RAMANANTHAPURA HOBLI,
ARAKALAGUDU TALUK,
HASSAN-01

...APPELLANT

(BY SRI. PRATHEEP.K.C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY HASSAN TOWN
POLICE STATION,
HASSAN DISTRICT.
REP. BY ITS



STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.

2. KIRAN H T
S/O THIRUMALAI AH,
AGED ABOUT 25 YEARS,
R/AT HOOVINAHALLI VILLAGE,
KASABA HOBLI, HASSAN TALUK,
HASSAN – 573 201.

...RESPONDENTS

(BY SRI. M V ANOOPKUMAR., HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 PRAYING TO ALLOW THIS APPEAL BY SETTING ASIDE THE ORDER DATED 09.04.2026 PASSED BY THE LEARNED I ADDL. DISTRICT AND SESSIONS AND SPECIAL JUDGE AT HASSAN AND ENLARGE THE APPELLANT ON BAIL IN SPL.C.NO.40/2026 (CRIME NO.169/2025) FOR THE OFFENCE P/U/S 103(1), 238, 61(2), 249, 189(2), 189(4), 304(2) R/W SEC.190 OF BNS AND SEC.3(2)(v) OF SC/ST (POA) ACT, PENDING ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS AND SPECIAL JUDGE, HASSAN.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This appeal is filed by the appellant/accused No.6 being aggrieved by the order dated 09.04.2026 in Spl.C.No.40/2026 passed by the I Additional District and Sessions and Special Judge, Hassan and seeking for releasing him on regular bail.

Factual matrix of the case:

2. It is the case of the prosecution that a complaint came to be registered against in-laws and others by one Mr. Kiran s/o. Thirumallaiah, stating that on 09.12.2025, at about 8.30 a.m., Rakesh, who is the resident of the same village of the complainant, had sent one WhatsApp video stating that the brother of the complainant had been killed. The person who was in the said video was claiming that they had assaulted and killed the deceased. Based on the said complaint, the respondent No.2 - police have conducted investigation and submitted charge sheet.



3. Heard Sri Pratheep K.C., learned counsel for the appellant and Sri M.V. Anoopkumar, learned High Court Government Pleader for respondent No.1. Respondent No.2 is served and unrepresented.
4. The submission of learned counsel for the appellant is that the appellant is arraigned as accused No.6. The overt-act against him is that he has abducted the deceased along with accused No.4 and allegedly assaulted the deceased with his hands. However, serious overt acts are alleged against accused Nos.1 and 2. Therefore, the appellant may be enlarged on bail by considering his overt-act. Making such submissions, learned counsel for the appellant prays to allow the appeal.
5. *Per contra*, learned High Court Government Pleader for respondent No.1 vehemently submitted that the appellant and others, in furtherance of common intention to commit murder of the deceased, assaulted and murdered him. After committing the said incident, they took selfies and sent them to accused Nos.7 and 8 and C.W.38. The said video was circulated among the other group members,



including the complainant. Hence, it is not appropriate to grant the relief as prayed for in the appeal. Making such submissions, learned High Court Government Pleader prays to reject the appeal.

6. Having heard the learned counsel for the respective parties and also on perusal of the averments of the charge sheet, it appears that, accused Nos.1 and 2 allegedly committed the murder of the deceased by throwing a stone (which is meant for fencing purposes) on the head of the deceased. However, the overt act against the appellant is that, he assaulted the deceased with his hands by joining hands with other accused. Having considered the overt act and also that he is not a habitual offender and does not have any criminal antecedents, it is appropriate to grant the relief as prayed for.

7. Hence, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.



- ii) The impugned order passed by the learned I Additional District and Sessions and Special Judge, Hassan in Spl.C.No.40/2025 dated 09.04.2026 is set aside.
- iii) The appellant is directed to be enlarged on bail in Crime No.169/2025 of respondent No.1 - Police Station, registered for the offences punishable under Sections 103(1), 238, 61(2), 249, 189(2), 189(4), 304(2) r/w 190 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, subject to the following conditions:
 - a) The 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 Trial Court.
 - b) The appellant shall appear before the Trial Court on all hearing dates without fail.
 - c) The appellant shall not threaten the prosecution witnesses.
 - d) The appellant shall not hamper the Court proceedings.



- e) The appellant shall not leave the jurisdiction of the Court till disposal of the case.
- f) The appellant shall not commit or indulge in any other criminal cases, till disposal of the present case.

In case 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

JS/Bss
List No.: 1 Sl No.: 12