



CNR: KAHC010372052026

NC: 2026:KHC:36997
CRL.A No. 930 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 930 OF 2026 (U/S 14(A) (2))

BETWEEN:

IDAYATHULLA KHAN @ EDDU
AGED ABOUT 23 YEARS,
S/O HABEEBULLA KHAN,
R/O RML NAGARA, 1ST CROSS,
SHIMOGA.

PERMANENT ADDRESS: NO. 177,
3RD CROSS, KAJIMOHALLA KOTE AREA,
OLD TOWN BHADRAVATHI,
SHIVAMOGGA DISTRICT-577301

...APPELLANT

(BY SRI. MOHAMMAD FAIZAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
OLD TOWN POLICE STATION,
BHADRAVATHI,
SHIVAMOGGA DISTRICT-577301.
REP BY SPP,
HIGH COURT, BENGALURU-01
2. SRIKANTA
S/O MAHADEVA
AGED ABOUT 26 YEARS,
OCC: PAINTING WORK
R/O JAI BHEEMA NAGARA

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



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BHADRAVATHI TOWN,
SHIVAMOGGA DISTRICT-577301.

...RESPONDENTS

(BY SRI. M.V. ANOOP KUMAR, ADDL. SPP FOR R1;
R2 SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DTD: 09.04.2026 ON BAIL APPLICATION PASSED BY THE IV ADDL. DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA (SITTING AT BHADRAVATHI) IN SPL.C.NO.5036/2023 ARISING OUT OF CR.NO.64/2021 VIDE ANNEXURE-D AND ENLARGE THE APPELLANT ON REGULAR BAIL IN SPL.C.NO.5036/2023 ARISING OUT OF CR.NO.64/2021 REGISTERED BY OLD TOWN P.S., BHADRAVATHI, FOR THE OFFENCES P/U/S 504,323,324,115,307,506,326,302 R/W 34 OF IPC, 1860, U/S 3(1)(r),3(1)(s),3(2)(v) OF SC/ST (POA) AMENDMENT ACT, 2015, PENDING BEFORE THE IV ADDL. DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA (SITTING AT BHADRAVATHI)

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

This appeal has been filed by the appellant being aggrieved by the order dated 09.04.2026 in Spl.C.No.5036/2023 on the file of the IV Additional District and Sessions Judge, Shivamogga (Sitting at Bhadravathi), wherein his application for regular bail has been rejected for the offences punishable under Sections 504, 323, 324, 115, 307, 506, 326, 302 r/w Section 34 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that C.W.1 and the deceased-Sunil were scavengers belonging to a scheduled caste. On 25.05.2021 at about 04.30 p.m., near the junction at Jaibheemanagar, Bhadravathi Town, Shivamogga, the appellant and others had assembled without wearing the masks. Therefore, the victim-Sunil asked them to wear masks. Taking exception to this, the accused and started abusing him and went away. The appellant and others came back again to the said place around 04.35 p.m. on two motorcycles. It is alleged that accused No.1 and others assaulted him with knife and



caused injuries to the victim. Initially in the FIR, Section 307 of IPC was invoked. Subsequently, in the charge sheet Section 302 of IPC along with Section 307 of IPC both the provisions were invoked. As per the averments in the charge sheet, the appellant is arrayed as accused No.2, he pushed the deceased-Sunil and fell him to the ground. Further it is alleged in the charge sheet that the appellant with an intention to commit the murder of the deceased Sunil stabbed him on several occasions and caused injuries.

3. The submission of the learned counsel for the appellant is that the appellant is innocent of the alleged offence. The matter is set down for trial. Some of the witnesses have been examined. CW1-Srikanta has been examined as P.W.1. He has not identified the appellant and has not stated anything with respect to the overt act of the present appellant. In fact, he has not supported the case of the prosecution. Moreover, there are no antecedents in respect of the present appellant. Therefore, he 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.



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Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned Additional State Public Prosecutor for respondent No.1-State vehemently submitted that the evidence of P.W.5 is very clear in that he has identified and supported the case of the prosecution. He has stated the overt act of the appellant. The trial is under process. At this stage, it is not appropriate to grant any relief as prayed for. Making such submissions, learned Additional State Public Prosecutor prays to dismiss the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the findings of the Trial Court in rejecting the bail application, it appears that the deceased-Sunil was working as a scavenger. C.W.1/P.W.1 and the deceased-Sunil were standing in their area. The appellant and others were roaming in and around the area without wearing masks. Since there was an instruction by the authority to wear masks with respect to COVID-19 pandemic directions, they instructed them to wear masks. In the meantime, there was a scuffle between them. Accused No.1 went away. Thereafter, he came



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back along with others in another motor cycle and started assaulting the deceased-Sunil and caused stabbing injuries. Thereafter, he went away from the spot. Consequently, the appellant died in the hospital from the said injuries. On going through the evidence of eyewitness i.e., CW1, it appears that he has not identified the appellant during the identification parade and also has not stated anything about the present appellant. In fact, P.W.5 did not depose about any overt act of the appellant. However, he says that the appellant was present at the spot as on the date of the said incident had occurred.

6. Be that as it may. On going through the averments of the appeal, I am of the considered opinion that the appellant has made out a *prima facie* case to allow the appeal.

7. Hence, I proceed towards the following:

ORDER

- i) The appeal is ***allowed***.
- ii) The order dated 09.04.2026 passed in Spl.C.No.5036/2023 by the IV Additional



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District and Sessions Judge, Shivamogga
(Sitting at Bhadravathi) is set aside.

iii) The appellant / accused No.2 is ordered to be enlarged on bail in Crime No.64/2021 of respondent - Police, on executing a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties 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 without fail.

Sd/-
(S RACHAIAH)
JUDGE