



CNR: KAHC010376542026

NC: 2026:KHC:39152
CRL.P No. 7865 of 2026
C/W CRL.P No. 7914 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7865 OF 2026

C/W

CRIMINAL PETITION NO. 7914 OF 2026

IN CRL.P No. 7865/2026

BETWEEN:

HEMANTH KUMAR
S/O NAGARAJU,
AGED ABOUT 28 YEARS,
RESIDING NEAR KEREKODI,
DARSHAN FARM, V. LAGGERE ROAD,
R.R.NAGAR, BENGALURU - 560 098.

...PETITIONER

(BY SRI. VEERANNA G. TIGADI, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MELUKOTE POLCE STATION
MANDYA DISTRICT
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483
BNNS) PRAYING TO RELEASE THE PETITIONER ON REGULAR

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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BAIL IN CC NO.234/2026 (CRIME NO.198/2025) OF THE RESPONDENT POLICE FOR THE ALLEGED OFFENCES P/U/S 61(2)a, 103(2), 238(a), 45(c), 55, 239 R/W 3(5) OF BNS 2023 PENDING ON THE FILE OF THE CJ AND JMFC COURT AT PANDAVAPURA MANDYA DISTRICT.

IN CRL.P NO. 7914/2026

BETWEEN:

SUMANTH M.R
S/O RAMANNA,
AGED ABOUT 29 YEARS,
RESIDING AT MALLAIAHNADODDI VILLAGE,
HANAKERE POST, KASABA HOBLI,
MANDYA TALUK AND DISTRICT - 571 404
...PETITIONER

(BY SRI. VEERANNA G. TIGADI, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MELUKOTE POLICE STATION
MANDYA DISTRICT
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.
...RESPONDENT

(BY SRI. RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO RELEASE THE PETITIONER ON REGULAR BAIL IN CC NO.234/2026 (CRIME NO.198/2025) OF THE RESPONDENT POLICE FOR THE ALLEGED OFFENCES P/U/S 61(2)a, 103(2), 238(a), 45(c), 55, 239 R/W 3(5) OF BNS IN MELUKOTE POLICE STATION, PENDING ON THE FILE OF THE CIVIL JUDGE (JN.DIV)AND



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JMFC COURT AT PANDAVAPURA MANDYA DISTRICT.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.7 and 8 in Crime No.198/2025 registered by Melukote Police Station, Mandya for the offences punishable under Section 61(2)(a), 103(2), 238(a), 45(c), 55, 239 read with Section 3(5) of BNS, 2023 are before this Court in these two petitions filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.198/2025 was registered by Melukote Police Station, Mandya, for the offences punishable under Section 103 read with Section 3(5) of BNS, 2023 against Bheema @ Ramachandra and three others, based on the first information dated 30.11.2025 received from Shivanna L.R., brother of deceased Mahesh.



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During the course of investigation, the petitioners were arrested on 17.12.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against 6 persons and in the said charge sheet the petitioners herein are arraigned as accused Nos.7 and 8. Their bail application filed before the jurisdictional Sessions Court was rejected. Therefore, they are before the Court.

4. Learned counsel for the petitioner submits that the name of the petitioners is not found in the FIR and there is no material to show that they were the inmates of the car in which the assailants had arrived at the spot of crime and assaulted the deceased. He submits that even CW.2 and CW.3 have not identified the petitioners. Therefore, there is absolutely no material in the charge sheet, which would prima facie show that it was the petitioners who were present with the other three assailants at the spot of crime on the alleged date of incident.



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5. *Per contra*, learned HCGP who has opposed the petition submits that there are strong circumstances connecting the petitioners to the crime. Accused Nos.7 and 8 are persons with criminal antecedents. They had accompanied the assailants in the car to the spot of crime. Accordingly, prays to dismiss the petition.

6. FIR in the present case has been registered against four named persons and others, based on the first information dated 30.11.2025 submitted by Shivanna, who is the brother of deceased Mahesh. During the course of investigation, police had arrested the petitioners on 17.12.2025. Charge sheet is now filed against 6 persons. Accused Nos.2, 3 and 4 in the FIR have been now dropped in the charge sheet.

7. As per the charge sheet allegations, accused No.1 had ill-will against deceased Mahesh, with whom he had fought earlier on a petty issue. It is in this background accused No.1 allegedly conspired with the other accused



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persons to commit the murder of Mahesh. On 29.11.2025, accused Nos.1 and 5 to 8, after coming to know that Mahesh was inside a bar and restaurant at Melukote road, arrived near the said bar and restaurant in their car and were waiting for Mahesh outside the said bar and restaurant. The CCTV footage of the said location would go to show that accused Nos.7 and 8 were present outside the bar and restaurant along with the other accused persons at about 08.00 p.m., on 29.11.2025. It appears that subsequently Mahesh had left the said bar and restaurant and accused No.1 and 5 to 8 allegedly had followed him in their car and intercepted his vehicle in which he was travelling along with CW.2 and CW.3 and assaulted him with deadly weapons and committed his murder.

8. It is not in dispute that in the CCTV footage collected by the police, the accused Nos.7 and 8 are not found boarding the car in which the other assailants were present and had followed the vehicle of the Mahesh. CW.2



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and CW.3 are the persons who were along with Mahesh, when his scooter was intercepted by the assailants who arrived at the spot of crime in the car bearing registration No.KA-05/N-9687. CW.2 and CW.3 have identified the other three assailants and named them. The said accused are arraigned as accused Nos.1, 5 and 6 in the charge sheet. Insofar as accused Nos.7 and 8 are concerned, the alleged eyewitnesses namely CW.2 and CW.3 had not identified them. Even after accused Nos.7 and 8 were arrested, no test identification parade was held in the present case for the reason, best known to the prosecution. Though direct evidence was available, the prosecution has failed to collect the same and has contended before this Court that circumstantial evidence is available as against the petitioners to connect them to the said crime.

9. Investigation of the case is now completed and charge sheet is filed. Merely for the reason that an accused is a person with criminal antecedents, his bail



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application cannot be rejected if he has otherwise made out the case for grant of bail. The law in this regard has been laid down by the Hon'ble Supreme Court in the case of ***Prabhakar Tewari v. State of Uttar Pradesh and another*** reported in ***(2020) 11 SCC 648***.

10. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

The Criminal Petition is allowed. The petitioners are directed to be enlarged on bail in Crime No.198/2025 registered by Melukote Police Station, Mandya for the offences punishable under Section 61(2)(a), 103(2), 238(a), 45(c), 55, 239 read with Section 3(5) of BNS, 2023, subject to the following conditions:

- a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with



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two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 70