



CNR: KAHC010393602026

NC: 2026:KHC:42640
CRL.A No. 979 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL APPEAL NO. 979 OF 2026

BETWEEN:

THIMMESH S
S/O LATE SHIVAMURTHY
AGED ABOUT 23 YEARS,
R/AT. C/O JAGADISH, NEAR DEVI BAR,
GOLLAHALLI, ATTIBELE HOBLI, ANEKAL TALUKK,
BENGALURU RURAL - 562 106.

PERMANENT ADDRESS
ACCHAKATTA GRAM VILLAGE,
HD PURA POST, THALYA HOBLI,
HOLALKERE TALUK,
CHITRADURGA DISTRICT - 577 527.

...APPELLANT

(BY SRI. ABHISHEK R. HUDDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
HEBBAGODI POLICE STATION,
REP. BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. MURTHY V. K.
S/O KANNAN,
AGED ABOUT 49 YEARS,
R/AT. NEAR MEMBER ADIL'S HOUSE,
GOLLAHALLI ROAD, SHIKARIPALYA VILLAGE,
JIGANI HOBLI, ANEKAL TALUK,
BENGALURU RURAL - 562 106

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., ADVOCATE FOR R1;
R2 SERVED BUT UNREPRESENTED)



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THIS CRL.A. IS FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DTD 28.02.2026 IN CRL.MISC.NO.2542/2026 AT ANNEXURE-E, AND ENLARGE THE APPELLANT/ACCUSED ON BAIL ON SUCH TERMS AND CONDITIONS AS THIS HONBLE COURT DEEMS FIT, IN SPL.C.NO.259/2022 FOR THE OFFENCE P/US/ 302,201 AND 114 OF IPC AND SEC.3(2)(v) OF SC/ST (POA) ACT 2015 WHICH IS NOW PENDING BEFORE THE COURT OF HONBLE II ADDL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL JUDGMENT

The appellant is seeking to enlarge him on bail by setting aside the order dated 28.02.2026, passed by the II Additional District and Sessions Judge and Special Judge, Bengaluru Rural district, Bengaluru in Crl.Misc.No.2542/2026.

2. Grievance of the appellant is that, he was arrested on 22.01.2022 and for more than four and half years he is in custody as an under trial prisoner. It is submitted by the learned counsel that this Court in Crl.A.No.2140/2023, while dismissing the said appeal vide order dated 05.03.2024, reserved liberty to the appellant



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to file a fresh petition for bail, if the trial was not concluded within a period of 4 months, whereas, even after more than two years, the trial is not concluded.

3. Respondent No.2 / defacto complainant is served but unrepresented.

4. The learned counsel for the appellant submitted that the defacto complainant, examined as PW.8 before the trial Court has turned hostile and not supported the case of prosecution.

5. Learned High Court Government Pleader submits that the trial is pending and 11 witnesses are already examined by the trial Court.

6. The entire case of the prosecution is based on circumstantial evidence. It is not in dispute that the appellant is in judicial custody from 22.01.2022 i.e., for more than four and half years. This Court while dismissing Crl.A.No.2140/2023 vide order dated 05.03.2024, permitted the appellant to file a fresh petition before the Sessions Court seeking bail, if the trial was not concluded



within four months. Even after two years five months, the trial has not been concluded.

7. It is submitted that accused No.2 is on bail and accused Nos.3 and 4 are the children in conflict with law. Considering the period of incarceration of the appellant in custody and also considering that the material witnesses are already examined, and the co-accused is on bail, the relief sought in the appeal can be granted. Accordingly, the following:-

ORDER

- i) Appeal is ***allowed***.
- ii) Order dated 28.02.2026, passed by the II Additional District and Sessions Judge and Special Judge, Bengaluru Rural district, Bengaluru in Crl.Misc.No.2542/2026 is **set aside**.
- iii) The appellant / accused No.1 is ordered to be released on bail in Crl.Misc.No.2542/2026, in



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Spl.C.No.259/2022 on the file of II Additional District and Sessions Judge, Bengaluru, (Crime No.23/2022 of Hebbagodi Police Station), subject to following conditions:-

1. He shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the jurisdictional Court.
2. He shall furnish proof of his residential address and furnish his mobile number and inform the Court, if there is change in the address/mobile number.
3. He shall not directly or indirectly tamper with the prosecution witnesses.
4. He shall not involve in any criminal activities.
5. He shall appear before the trial Court regularly on all dates of hearing.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

LDC
List No.: 1 Sl No.: 4