



CNR: KAHC010540152026

NC: 2026:KHC:48504
CRL.P No.11864/2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 8TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO.11864/2026 (439(Cr.PC) /
483(BNSS))

BETWEEN:

1. RAMESH @ TAMIL RAMESH
S/O SHANMUGAM
AGED ABOUT 39 YEARS
R/AT 11TH CROSS
VENKATESHWARANAGARA
HASUDI VILLAGE
SHIVAMOGGA TALUQA &
DISTRICT- 5772222.

PRESENTLY IN JUDICIAL CUSTODY
CENTRAL PRISON
BENGALURU.

...PETITIONER

(BY SRI. PRATHAP S.S. ADV.,)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA
NIYAMTHI POLICE STATION
DAVANAGERE
REP. BY THE STATE PUBLIC PROSECUTOR
HON'BLE HIGH COURT OF KARNATAKA
BENGALURU 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA, ERAPPA, HCGP)



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THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN S.C.NO.175/2023 (ARISING OUT OF CR.NO.46/2023 REGISTERED BY NYAMATHI P.S) PENDING TRAIL ON THE FILE OF THE PRL. DIST. AND SESSION JUDGE DAVANAGERE FOR THE OFFENCE P/U/S 143, 147, 148, 324, 326, 302, 307, 120B, 201, 212, 149 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in S.C.No.175/2023 pending before the Court of Principal District and Sessions Judge, Davanagere, arising out of Crime No.46/2023 registered by Nyamathi Police Station, Davanagere, for the offences punishable under Sections 143, 147, 148, 324, 326, 302, 307, 120B, 201, 212, 149 of IPC, is before this Court in this successive bail petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.



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3. FIR in Crime No.46/2023 was registered by Nyamathi Police Station, Davanagere, for the offences punishable under Sections 143, 147, 148, 302, 324, 307, 149 of IPC against 6-7 unknown persons based on the first information dated 15.03.2023 received from Sri.K.H.Sureshappa, father of deceased Anjaneya. In the said case, the petitioner herein was arrested on 06.04.2023 and remanded to judicial custody. After completing the investigation, charge sheet has been filed against 19 persons. The petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the trial Court was rejected and therefore, he had earlier approached this Court in Crl.P.No.15891/2025 which was dismissed by the co-ordinate bench of this Court on 19.01.2026. Subsequently, accused Nos.2, 3 and 6 have been granted regular bail by this Court in Crl.P.No.4994/2026 and Crl.P.No.2179/2026 respectively. It is under these circumstances, the petitioner is before this Court in this successive bail petition.



4. Learned counsel for the petitioner submits that the allegation against accused Nos.1 to 3 and 6 is similar in the charge sheet. The trial in the case is yet to commence and till date the trial Court has not even framed the charges against the accused persons. Accused Nos.2, 3 and 6 are granted bail considering the inordinate delay in commencing trial. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader who has opposed the petition; however, does not dispute the submissions made by the learned counsel for the petitioner. He submits that the petitioner is a person with criminal antecedents. Accordingly, he prays to dismiss the petition.

6. FIR in the present case was registered against 6-7 unknown persons. During the course of investigation, petitioner was arrested on 06.04.2023 and remanded to



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judicial custody. After completing investigation, charge sheet is filed against 19 persons. The allegation against the accused persons in the charge sheet is that they had ill-will against the deceased Anjaneya, who was a rowdy sheeter involved in the murder case of their friend registered by Vinobanagar Police Station, Shivamogga in Crime No.154/2023. It is in this background the accused persons conspired to commit the murder of Anjaneya and his friend Madhu (CW-45).

7. The allegation of assaulting Anjaneya and Madhu on 15.03.2023 is found in the charge sheet against accused Nos.1 to 3 and 6. Accused Nos.2 and 3 had approached this Court in Crl.P.4736/2025 which was dismissed by the co-ordinate bench of this Court on 29.07.2025 with liberty to the accused Nos.2 and 3 to file a fresh petition before the Sessions Court, if the charges are not framed within a period of three months from the date of receipt of copy of the order in Crl.P.4736/2025.



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Since, the charges were not framed within the time frame as mentioned in Crl.P.4736/2025, accused Nos.2 and 3 were granted regular bail by this Court in Crl.P.4994/2026 vide order dated 19.06.2026. In paragraph Nos.10 to 14 of the said order, it is observed as follows:

"10. The prosecution in all cited 131 charge sheet witnesses in the present case. The petitioners are in custody for the last more than three years and three months. It is not in dispute that they have been granted bail in two other criminal cases registered against them earlier.

*11. The Hon'ble Supreme Court in the case of **SAHIL MANOJ MACHARE V. THE STATE OF MAHARASHTRA - (2026) SCC ONLINE SC 810** wherein the accused was in custody for the almost four years and though charges were framed, witnesses were not examined by the Trial Court, has granted regular bail to the accused solely on the ground of his incarceration. Similar view has been taken by the Hon'ble Supreme Court in the case of **SADDAM HUSSAIN M.K & others V. THE UNION OF INDIA - SLP(Crl.)No.2717 of 2025 dated 19.05.2025***



12. *The charges in the two criminal cases which were earlier registered against the petitioners are not grave in nature. As stated earlier in the said cases, they have been granted bail.*

13. *In the case of **Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - 2024 SCC OnLine SC 1693** at paragraph No.19, the Hon'ble Supreme Court has observed as follows:*

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime".

14. *Under the circumstances, I am of the view that without expressing any opinion on merits / demerits of the case the prayer made by the petitioners, for grant of regular bail needs to be answered affirmatively considering the period of their incarceration."*



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8. Subsequently, the bail application filed by accused No.6 in Crl.P.2179/2026 was allowed on the ground of delay in trial by this Court on 27.07.2026. In the earlier criminal case registered against the petitioner herein, he has been enlarged on bail.

9. The Hon'ble Supreme Court in the case of ***Prabhakar Tewari vs. State of Uttar Pradesh and another*** reported in ***(2020) 11 SCC 648*** has observed that criminal antecedents of the accused cannot be the sole reason to deny him bail, if he is otherwise found entitled for the same.

10. In the present case, the allegations against accused Nos.1 to 3 and 6 are identical in the charge sheet and accused Nos.2, 3 and 6 have already been enlarged on bail by this Court in Crl.P.No.4994/2026 and Crl.P.No.2179/2026. Therefore, the petitioner's prayer for regular bail is required to be answered in the affirmative



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subject to appropriate conditions. Accordingly, the following:

ORDER

(i) The petition is ***allowed***. The petitioner is directed to be enlarged on bail in S.C.No.175/2023 pending before the Court of Principal District and Sessions Judge, Davanagere, arising out of Crime No.46/2023 registered by Nyamathi Police Station, Davanagere, for the offences punishable under Sections 143, 147, 148, 324, 326, 302, 307, 120B, 201, 212, 149 of IPC, subject to the following conditions:

- a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;



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

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

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

f) The petitioner shall appear before the SHO of Nyamathi Police Station, Davanagere District between 10.00 a.m, and 01 p.m, on every Sunday of the month, till the case registered against him is disposed off.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

BSR
List No.: 1 Sl No.: 63