



CNR: KAHC010555862026

NC: 2026:KHC:51327
CRL.A No. 1346 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1346 OF 2026 (U/S 14(A) (2)-)

BETWEEN:

1. GANGADHAR V
S/O VENKATESH,
AGED ABOUT 30 YEARS,
R/AT BEHIND SUMATHI SCHOOL,
C M BADAVANE, TUMAKURU
KARNATAKA-572102

...APPELLANT

(BY SRI. PUNEETH. B. S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
NEW EXTENSION POLICE STATION
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE 560001
2. NARASIMHAIAH,
S/O LATE SHEETIKADRAIAH,
AGED ABOUT 58 YEARS,
R/AT HULIKERE VILLAGE,
DANDINASHIVARA HOBLI,
TURUVEKERE TALUK, TUMAKURU- 572227

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1,
R2 SERVED AND UNREPRESENTED.)

CRL.A. FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015
BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS
HONBLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER
PASSED BY THE HONBLE III ADDL. DISTRICT AND SESSIONS
JUDGE, AT TUMAKURU ;IN CRL.MISC.NO.1036/2026 DTD
01.08.2026 AND GRANT THE REGULAR BAIL IN



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SPL.C.NO.541/20236 (CR.NO.51/2023) FOR THE OFFENCES P/U/S 302, 201 OF IPC AND ALSO U/S 3(2)(V) OF SC AND ST (POA) AMENDMENT ACT, WHICH IS PENDING ON THE FILE OF THE HONBLE III ADDL. DISTRICT AND SESSIONS JUDGE, AT TUMAKURU.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant has preferred this appeal against the order dated 01.08.2026 passed by the III Addl. District and Sessions Judge, Tumakuru (for short 'the Trial Court').
2. The brief facts leading to this appeal are that, on the basis of the complaint filed by one Pushpa D M, New Extension police have registered the case in Crime No.51/2023 against unknown accused for the commission of offence under Sections 302, 201 of IPC and submitted the FIR to the Court. During the course of investigation, the IO has arrested the accused on 13.06.2023 and accused was remanded to judicial custody. Till this day accused is in judicial custody. Bail application was filed on



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behalf of the accused before the trial Court in Crl.Misc.No.1765/2023. Same came to be dismissed on 15.12.2023. Being aggrieved by the said order, the appellant had preferred appeal before this Court in Crl.A.No.1439/2024. Same came to be dismissed for non-prosecution on 29.07.2025. Thereafter, two more bail applications were filed. Same came to be rejected. The appellant has not challenged the same before this Court. However, the appellant has filed successive bail application before the trial Court in Crl.Misc.No.1036/2026. Same came to be rejected. Being aggrieved by this order, the appellant has preferred this appeal.

3. I have heard the arguments on both sides. Despite service of notice, respondent No.2 remained absent and unrepresented.

4. The learned counsel appearing on behalf of the appellant would submit that the appellant is innocent. He has not committed any offence as alleged against him. The



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entire prosecution case is based on the circumstantial evidence and there is no eye witness to this incident. Prosecution, till now, has examined 14 witnesses as PW1 to PW14. Number of witnesses have turned hostile and partly hostile and also the recovery of the mobile phone of deceased has not been proved. Hence, the prosecution has failed to complete the chain of circumstances. The appellant is in judicial custody for more than 3 years in connection with the present case. Despite lapse of such a substantial period, trial Court has not reached its logical conclusion and there is no reasonable likelihood of the trial being concluded in the near future. The petitioner/appellant cannot be kept in indefinite incarceration merely because allegation is under Section 302 of IPC. The petitioner/appellant is presumed to be innocent until his guilt is established in accordance with law. The right to speedy trial is a fundamental right guaranteed under Article 21 of the Constitution and prolonged pre-trial incarceration cannot be permitted to



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become punitive in nature. On all these grounds, it is sought to allow this appeal.

5. The learned HCGP, Sri Nageshwarappa K would submit that, the Trial Court has already recorded all the material witnesses and the trial will be concluded within a period of 1 or 2 months. The Trial Court has assigned proper reasons to reject the bail application. Absolutely there are no grounds to interfere with the impugned order and sought for dismissal of this appeal.

6. I examined the materials placed before this Court. The trial Court has observed in Para Nos. 10 and 11, as under:

"10. Admittedly, this is the third successive bail petition filed by the petitioner seeking regular bail. Even after the charge sheet was filed, the bail petitions submitted by the petitioner were rejected by this court. The only change in circumstance stated in Die Regrrrent petition is that the petitioner has been in judicial custody for the past three years, and the prosecution has examined material witnesses. Consequently, the question of hampering



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or tampering with prosecution witnesses would not arise. Therefore, the accused seeks regular bail based on the aforementioned changed circumstance.

11. There is no doubt that the petitioner has been in judicial custody since June 13, 2023. The trial commenced on August 29, 2024, and so far, the prosecution has examined 17 witnesses. Only the examination of the investigating officers remains. The law is well settled that, the Court should refrain from appreciating the evidence, while considering the bail application. Therefore, this court cannot assess the evidence presented by the prosecution to grant bail in favor of the petitioner. There are serious allegations against the petitioner of committing murder. At this stage, it cannot be determined that the allegations are either false or not true as the trial is yet to be concluded and there is every chance that if the Petitioner is enlarged on bail, he may influence the witnesses as the Petitioner is facing trial for commission of offence, which is punishable with death or imprisonment to life. As observed earlier, only three witnesses remain to be examined by the prosecution. Accordingly, I am of the view that the trial is likely to conclude within one or two months. Thus, having regard to the nature and gravity of the charge



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leveled against the petitioner and severity of the punishment in the event of conviction, I am of the view that this is not a fit case for granting bail to the petitioner based on the changed circumstances he relies upon. Accordingly, the above point is held in the Negative."

7. On re-appreciation/re-examination/reconsideration of the entire material on record, I do not find any legal or factual error in the impugned order passed by the trial Court. Hence, I proceed to pass the following:

ORDER

- (i) Appeal is **dismissed**;
- (ii) However, the Trial Court is directed to dispose of the case as early as possible.

Registry is directed to communicate this order to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
LIST NO.: 1 SL NO.: 18