



CNR: KAHC010568442026

NC: 2026:KHC:50373
CRL.P No. 12544 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12544 OF 2026

BETWEEN:

DEEPAK V
S/O VINOD KUMAR
AGE ABOUT 19 YEARS
R/O NO 02, SMITH BLOCK,
CHAMPION REEFS KGF
KOLAR DISTRICT - 563 122

...PETITIONER

(BY SRI. YOGESH N.C., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ANDERSONPET POLICE STATION,
KGF, KOLAR DISTRICT - 563 122
REPRESENTED BY
LEARNED STATE PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.29/2025 (SC. NO. 157/2025) FOR THE ANDERSONPET POLICE STATION, KGF, KOLAR DISTRICT, FOR OFFENCES PUNISHABLE UNDER SECTION - 103(1) READ WITH SECTION 238, 54, 61(2) READ

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by
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Location: High
Court of
Karnataka



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WITH SECTION 3 (5) OF BHARATIYA NYAYA SANHITA, 2023, WHICH IS PENDING ON THE FILE OF HONBLE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT KOLAR (SITTING AT KGF).

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.3 in Special Case No.157/2025 pending before the Court of the III Additional District and Sessions Judge, Kolar (sitting at K.G.F), arising out of Crime No.29/2025 registered by Andersonpet Police Station, K.G.F for the offences punishable under Sections 103(1), 238, 54, 61(2) read with Section 3(5) of BNS, 2023, is before this Court in this petition filed under Section 483 of BNSS 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.29/2025 was registered by Andersonpet Police Station, K.G.F for the offences



punishable under Sections 103(1), 238 read with Section 3(5) of BNS, 2023 against four unknown persons, based on the first information dated 23.03.2025 received from Kum. Chalamgai Valli (Accused No.2). During the course of investigation of the case, the petitioner herein was arrested on 25.03.2025 and remanded to judicial custody. After completion of investigation, four persons have been charge sheeted for the aforesaid offences and the petitioner is arrayed as accused No.3 in the charge sheet. Accused Nos.1, 2 and 4 are said to be juvenile accused. Bail application filed by the petitioner herein before the Trial Court in Special Case No.157/2025 was rejected on 15.10.2025. Therefore, he is before this Court.

4. First informant Kum. Chalamgai Valli had appeared before the police on 23.03.2025 and based on her statement, FIR was registered against four unknown persons. In her statement, first informant had stated that on 23.03.2025, she and Shivakumar, who is the deceased in the present case, had gone in a scooter bearing



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registration No.KA-01-HS-4484 and after parking the said scooter near Kamasamudra, they were allegedly eating food which they had carried with them. At that time, four persons who came there in two scooters wearing masks allegedly assaulted Shivakumar with deadly weapons and committed his murder. It is under these circumstances FIR was registered against unknown persons.

5. During the course of the investigation, the petitioner herein was arrested on 25.03.2025. In the charge sheet which is filed subsequently, he is arrayed as accused No.3 and the first informant is arrayed as accused No.2. As per the charge sheet allegations, deceased Shivakumar and accused No.2-Kum. Chalamgai Valli were loving each other for the last three years. Subsequently, Kum. Chalamgai Valli started loving accused No.1, who is a juvenile. Therefore, Shivakumar had gone to the college in which accused Nos.1, 3 and 4 are studying and had warned accused No.1. It is under these circumstances accused Nos.1 to 4 allegedly decided to eliminate him.



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6. On 23.03.2025, accused No.2 had gone with deceased Shivakumar in a scooter and after parking the said scooter near Kamasamudra, they were eating food. Accused Nos.1, 3 and 4, who came there in two-wheelers, allegedly quarrelled with him and assaulted him with deadly weapons. As per the charge sheet allegations, initially accused No.1, who is a juvenile, had assaulted Shivakumar with deadly weapons and after Shivakumar managed to escape, at the instance of accused No.2, accused Nos.1, 3 and 4 followed him and once again assaulted him with weapons and committed his murder. Entire case of the prosecution is based on circumstantial evidence.

7. The petitioner, who is arrayed as accused No.3 in the charge sheet was arrested and remanded to judicial custody on 25.03.2025. Though he is in custody in the present case for the last nearly one year and six months, till date, not even a single charge sheet witness has been examined before the Trial Court. Order sheet made



available to this Court would reflect that charges were framed in the present case in the month of November, 2025 and thereafter, in the month of December, 2025 itself, witness summons was issued to CW-1 and CW-2. However, till date, not even a single charge sheet witness has been examined and the order sheet would reflect that in spite of coercive steps being taken by the Trial Court, the presence of charge sheet witnesses could not be secured before the Court.

8. Charge sheet material would go to show that the petitioner was pursuing 2nd year Paramedical Course in Axiom Instrument of Para Medical Science, Robertsonpet, K.G.F, Kolar. Continued detention of the petitioner in custody amongst hardcore criminals may have an adverse impact on his mind set and also on his future prospects.

9. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - (2024) 9 SCC***



813 at paragraph No.17, the Hon'ble Supreme Court has observed as follows:

"17. 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".

10. Considering the aforesaid aspect of the matter, I am of the view that, without expressing any opinion on the merits and demerits of the case, the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, the following:

ORDER

- i) The Criminal Petition is **allowed**.
- ii) The petitioner is directed to be enlarged on bail in Special Case No.157/2025 pending before the Court of the III Additional District and Sessions Judge, Kolar



(sitting at K.G.F) arising out of Crime No.29/2025 registered by Andersonpet Police Station, K.G.F for the offences punishable under Sections 103(1), 238, 54, 61(2) read with Section 3(5) of BNS, 2023, subject to the following conditions:

- a) The petitioner shall execute 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;
- 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



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permission of the said Court until the case
registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 60