



NC: 2026:KHC:55690
CRL.P No. 14064 of 2026

CNR: KAHC010624562026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14064 OF 2026

BETWEEN:

SRI RAKI @ WATER TANK RAKI
@ RAKESH
S/O RAMESH V
AGED ABOUT 33 YEARS
R/AT NO. 6. 4TH CROSS
2ND NEW STREET LAYOUT
KUMBARAKOPPALU, MYSURU.

...PETITIONER

(BY SRI TONY SEBASTIAN, SR. COUNSEL FOR
MS. RENY SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY VIJAYANAGAR POLICE STATION
MYSURU, REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BANGALURU - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN SC NO.138/2026
(CRIME NO.63/2026 OF VIJAYANAGARA POLICE STATION MYSURU)
REGISTERED FOR THE OFFENCES U/S 103(1), 115(2), 126(2),
351(1), AND 352 R/W 190 OF BNS PENDING BEFORE THE III
ADDL.DISTRICT AND SESSIONS JUDGE, MYSURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY



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ORAL ORDER

1. Accused no.1 in S.C.No.138 of 2026 pending before the Court of III Addl. District & Sessions Judge, Mysuru arising out of Crime No.63 of 2026 registered by Vijayanagar Police Station, Mysuru City for offences punishable under Sections 103(1), 115(2), 126(2), 351(1) & 352 & 190 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 parties.

3. FIR in Crime No.63 of 2026 was registered by Vijayanagar Police Station, Mysuru City against the petitioner herein and 5 to 6 others, based on first information dated 19.04.2026 received from CW1 - Sandeep. During the course of investigation petitioner herein was arrested on 22.04.2026 and remanded to judicial custody. After completing investigation, charge sheet is filed against six persons and petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in



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S.C.No.138/2026 was dismissed on 24.08.2026. Therefore, he is before this Court.

4. Accused no. 4 in the present case had approached this Court in Criminal Petition No.8813 of 2026, which was allowed on 27.07.2026. In paragraph Nos.7 and 8 of the order passed in the said petition, it is observed as follows:

"7. As per the charge sheet allegations, on the night of 18.04.2026 deceased Nishanth had gone to a pub within the jurisdiction of Vijayanagar Police Station, Mysuru, along with CW-1 and CW-2. It appears that accused No.1, who is a rowdy sheeter, was also in the said pub, consuming alcohol along with his friends. CW-1 who was dancing inside the pub along with a girl, spoke to accused No.1 and had introduced himself. When the pub was being closed, CW-1 and his friends came out of the pub. Accused No.2 allegedly quarreled with CW-1 for the reason that he had touched the shoulders of accused No.1, while speaking to him inside the pub. In the quarrel that took place thereafter, accused No.2 allegedly assaulted CW-1 and when his friend Nishanth and Deekshith tried to interfere, accused No.2 and 3 assaulted Nishanth with their hands and thereafter, pushed him to a cardboard wall which collapsed and



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as a result, Nishanth fell down from the building and died.

8. CW-1 and CW-2 have not made any allegation against the petitioner about he assaulting the deceased or them, in their statement recorded under Section 161 of Cr.P.C. by the police. During the course of investigation, CCTV footage of the pub has been collected and even in the said footage, according to the prosecution it was only accused No.2 and 3 who had assaulted the deceased with their hands and pushed him towards the wall which collapsed and the said act was committed by them at the instigation of accused No.1, who is a rowdy sheeter. Petitioner is said to be a Software Engineer, who is now in custody from 31.05.2026 onwards. Investigation of the case is completed and charge sheet has been filed".

5. Allegation of quarreling with CW1, thereafter assaulting his friend Nishanth, pushing him towards a cardboard wall which collapsed and as a result, Nishanth, fell down and died etc., is found in the charge sheet only as against accused nos.2 & 3. There is absolutely no allegation against the petitioner in the present case except stating that he had instigated accused nos.2 and 3 to commit the crime. Accused



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nos.2 and 3 had assaulted Nishanth with their hands and pushed him towards the said cardboard wall which collapsed and as a result, Nishanth who fell down, sustained grievous injuries and succumbed to the same. No weapon was used by any of the accused persons in the present case to assault the deceased Nishanth or the injured victim.

6. Learned HCGP has brought to the notice of this Court that the petitioner is a person with criminal antecedents. However, learned Senior Counsel appearing on behalf of the petitioner submits that the only case registered against the petitioner has ended up in acquittal and has produced the judgment and order of acquittal passed in S.C.No.64/2025 dated 01.09.2026 by the Court of VI Addl. District & Sessions Judge, Mysuru.

7. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:



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ORDER

- (i) Criminal petition is allowed.
- (ii) The petitioner is directed to be enlarged on bail in S.C.No.138 of 2026 pending before the Court of III Addl. District & Sessions Judge, Mysuru arising out of Crime No.63 of 2026 registered by Vijayanagar Police Station, Mysuru City for offences punishable under Sections 103(1), 115(2), 126(2), 351(1) & 352 & 190 of BNS, 2023, subject to the following conditions:
 - a) The petitioner 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;
 - 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;



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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.

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