



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 16320 OF 2025

BETWEEN:

RAKESH K.P.
S/O LATE PARAMESHWARAPPA K. K
AGED ABOUT 25 YEARS,
R/AT KEREHALLI VILLAGE,
JODIOCHEHALLI POST, KADUR TALUK,
CHIKKAMAGALURU DISTRICT-577533

...PETITIONER

(BY SRI. HANUMANTHAPPA HARAVI.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KADUR POLICE STATION
KADUR TALUK,
CHIKKAMAGALUR DISTRICT
REPRESENTED BY:
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.

2. KIRAN C.D
S/O DIWAKARA,
AGED ABOUT 45 YEARS, PHOTOGRAPHER,
R/OF LAKSHMISHANAGARA,
KADUR TALUK,
CHIKKAMAGALURU,
DISTRICT-577 533.

...RESPONDENTS

(BY SRI. RAHUL RAI K,HCGP FOR R1;
SRI. MALATESH H. ADV. FOR R2)



THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS) CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN EVENT OF ARREST IN CONNECTION WITH CR.NO.82/2025 (C.C.NO.3766/2025) ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (Jr.Dn.) AND JMFC AT KADUR P/U/S. 352,105 R/W SEC.3(5) OF BNS 2023 AND CONSEQUENTLY ALLOW THIS PETITION.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Heard the Learned counsel for the petitioner, learned High Court Government Pleader for the State and the learned counsel appearing for respondent No.2 / defacto complainant.

2. This petition is preferred under Section 438 of Cr.P.C.,(482 BNSS, 2023) praying to enlarge the petitioner on anticipatory bail in Crime No.82/2025 of Kadur Police Station, Chikkamagaluru.

3. The incident took place on 04.03.2025 at about 06:00 - 06.15 p.m. near KSRTC bus stand, Kadur town,



Chikmagalur. The complaint was lodged on 26.03.2025, at about 11.00 a.m. by one Kiran C. D., son of the deceased Divakara C.C. FIR was registered for the offence punishable under Section 352, 103(1) and 3(5) of the BNS 2023.

4. It is the case of prosecution that the deceased was a journalist. Accused No.1 by name Jyothi. K. J., had requested him to help her to get some work done in the revenue office, stating that she is very poor and will pay him the expenses incurred later. After the work was done, she did not give the expenses incurred by the deceased and started avoiding him. On 04.03.2025 at about 02.30 p.m., she quarreled with the deceased and at about 06.00 p.m. on the same day, she secured him near KSRTC bus stand, Kaduru town, wherein, she along with her son i.e., the petitioner, manhandled and assaulted him, on account of which he collapsed and died.

5. Apprehending his arrest, petitioner earlier filed Crl.P.No.11156/2025 before this Court. The said petition



was dismissed by an order dated 12.09.2025, observing that there is a *prima-facie* case against the petitioner and the offence alleged is punishable with death or imprisonment for life.

6. In this case, initially a UDR No.7/2025 was registered on 05.03.2025. On the basis of CCTV footages, the crime committed by the accused came to light. Crl.P.No.1156/2025 was dismissed by this Court during crime stage, as the investigation was in progress and as the FIR was registered for the offence punishable under Section 103 of BNS, 2023, which is punishable with death or imprisonment for life.

7. However, now the charge sheet is filed against accused Nos.1 and 2 for the offence punishable under Section 352, 105 and 3(5) of BNS, 2023. According to the prosecution, both the accused secured the deceased near KSRTC bus stand, Kadur and abused and threatened him saying that they will not give him any money and fisted on his chest, rib, cheek and other parts of the body, on



account of which, he collapsed and died at the spot. There is no allegation against the accused that they have used any dangerous weapons.

8. As per Postmortem report, deceased has sustained abrasions. The final opinion furnished by the doctor shows that the death is due to cardiac failure as a result of disease of the heart and its sequelae.

9. The Learned counsel for respondent No.2 vehemently contented that the deceased was aged about 74 years and therefore, the accused having knowledge about his old age and heart disease, have intentionally assaulted him brutally, knowing very well that such assault would result in his death.

10. The learned High Court Government Pleader contended that the charge sheet is already filed and if the petitioner is granted the relief, he may flee from justice and tamper with the evidence.



11. Whether there was any intention or knowledge on the part of the accused that the assault would result in death, is a matter which has to be established during trial. It is submitted by the learned counsel for petitioner that petitioner is a student studying in final year diploma at Govt. Polytechnic College at Belur, Hassan District. A copy of the identity card with registration number 153ME24304 is furnished. Petitioner has no criminal antecedents. The offence now charge sheeted is not exclusively punishable with death or imprisonment for life. It is submitted that accused No.1 has been enlarged on bail. The filing of charge sheet by itself will not disentitle the petitioner from seeking anticipatory bail. The earlier petition was dismissed during crime stage, as the investigation was in progress. The apprehension of the prosecution can be safeguarded by imposing appropriate conditions. Hence, the following:-

ORDER

- i) Petition is ***allowed***.



ii) Petitioner / accused No.2 is ordered to be released in the event of his arrest in crime No.82/2025 of Kadur Police Station, Chikamagaluru, subject to following conditions:

- a) He shall appear before the Investigating Officer within one week from the date of receipt of a copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum.
- b) He shall furnish proof of his residential address/contact number and shall inform the I.O. in case of change in the address/contact number.
- c) He shall co-operate with the further investigation of the case, if any.
- d) He shall not tamper with the prosecution evidence/witnesses either directly or indirectly.
- e) He shall appear before the trial Court on every date of hearing without fail.



- f) He shall not indulge himself in any criminal activities.

I.A.No.2/2025 is *disposed of*.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

LDC
List No.: 1 SI No.: 5