IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 14973 OF 2025
[(439(Cr.PC) / 483(BNSS)]

BETWEEN:

SRI. GOWTHAM
S/O. MAHESH,
AGED ABOUT 23 YEARS,
RESIDING AT BESIDE POOJAMMA TEMPLE,
KOGILU VILLAGE ,YELAHANKA,
BENGALURU CITY -560 064.

...PETITIONER

(BY SRI. ANILKUMAR C.D., ADVOCATE)

AND:

STATE OF KARNATAKA
BY CHIKKABALLAPURA RURAL POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP)

Digitally signed by LAKSHMINARAYANA MURTHY RAJASHRI
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED UNDER SECTION 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.42/2025 PENDING ON THE FILE OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT CHIKKABALLAPURA (CRIME NO.22/2025 OF CHIKKABALLAPURA POLICE STATION) REGISTERED FOR

OFFENCES PUNISHABLE UNDER SECTIONS 103(2), 61(1)(b), 190 AND 238 BNS.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.11 under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023 praying to grant bail in S.C.No.42/2025 (Crime No.22/2025 of Chikkaballapura Rural Police Station), pending on the file of I Additional District and Sessions Judge, Chikkaballapura, registered for offences punishable under Sections 103(2), 61(1)9b), 190 and 238 of Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for petitioner and learned High Court Government Pleader for respondent - State.

3. Learned counsel for petitioner would contend that, the name of petitioner is not there in the complaint/FIR. There is no serious overtact alleged against this petitioner. The serious overtact of assault is alleged against accused Nos.1, 2 and 8. The allegation against this petitioner is that, he along with accused Nos.3, to 7 and 10 standing on the canal to see that the deceased Subhash should not escape. There is no overtact of assault by this petitioner on the deceased. The petitioner is in judicial custody since 04.02.2025 and as the charge sheet is filed, the petitioner is not required for custodial interrogation. With these, he prayed to allow the petition.

4. Per contra, learned High Court Government Pleader for respondent would contend that, this petitioner went along with accused No.1 in a car. The petitioner was standing along with accused Nos.3 to 7 and 10 on the canal to see that the deceased should not escape. The charge sheet materials show that, there is a *prima-facie*

case against the petitioner. With these, she prayed for dismissal of the petition.

5. Having heard the learned counsels appearing for parties, the Court has perused the charge sheet and other materials placed on record.

6. On perusal of column-17 of the charge sheet, the accusation against this petitioner is that he went along with accused No.1 in his car, in which accused Nos.6 and 9 were also inmates and accused No.4 was driving a car. This petitioner along with accused Nos.3 to 7 and 10 standing on the canal in order to see that the deceased should not escape and at that time, accused No.9 held the shirt of the deceased and accused Nos.1, 2, 6 and 8 assaulted him and caused his death. There is no serious overtact of assault is alleged against the petitioner. The petitioner is in judicial custody since 04.02.2025 and as the charge sheet is filed, the petitioner is not required for custodial interrogation.

7. Considering all the above aspects, the petitioner has made out a case for grant of bail with conditions. In the result, the following;

ORDER

The Criminal Petition is ***allowed***. The petitioner is granted bail in S.C.No.42/2025 (Crime No.22/2025 of Chikkaballapura Rural Police Station), pending on the file of I Additional District and Sessions Judge, Chikkaballapura, subject to following conditions:

i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like-sum to the satisfaction of the trial Court.

ii) The petitioner shall not tamper the prosecution witnesses either directly or indirectly.

iii) The petitioner shall appear before the trial Court on all dates of hearing unless

exempted by the Court and co-operate for speedy disposal of the case.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 14