HC-KAR

NC: 2026:KHC:55212
CRL.A No. 106 of 2026

CNR: KAHC010042892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.106 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. SMT. PREMA
   W/O REVANNA,
   AGED ABOUT 35 YEARS,
   RESIDING AT
   NADABHOGANAHALLI VILLAGE,
   SHEELANERE HOBLI, K.R. PETE TALUK,
   MANDYA DISTRICT - 571426

...APPELLANT

(BY MS. PRATHYUSHA M. S., ADV. FOR
SMT. MAITREYI KRISHNAN., ADV.)

AND:

1. ABHI @ ABHISHEK
   S/O BOARAIAH,
   AGED ABOUT 23 YEARS,
   RESIDING AT
   NADABHOGANAHALLI VILLAGE,
   SHEELANERE HOBLI, K.R. PETE TALUK,
   MANDYA DISTRICT - 571426

2. STATE OF KARNATAKA
   BY K.R. PETE RURAL POLICE STATION,
   MANDYA DISTRICT-560001
   BY SPP, HIGH COURT BUILDING,
   BANGALORE - 560001.

...RESPONDENTS

(BY SRI. GOWRAMMA G. N., ADV. FOR R1,
SRI. K. NAGESHWARAPPA, HCGP FOR R2.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court of
Karnataka

CNR: KAHC010042892026

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 ALLOW THE CRIMINAL APPEAL AND SET ASIDE THE ORDER DATED 03.06.2025 GRANTING BAIL TO THE RESPONDENT PASSED IN SPL.C.NO.9/2025 ON THE FILE OF THE COURT OF ADDL. SESSIONS JUDGE, FTSC II MANDYA.

THIS APPEAL, COMING ON FOR ARGUMENTS, 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 03.06.2025 passed in Special case No.09 of 2025 by the Additional Sessions Judge-FTSC-II, Mandya.

2. The Additional Sessions Judge FTSC-II Mandya, has passed an order on the application filed under Section 439 of CrPC by accused No.5. The trial Court has granted bail as per order dated 03.06.2025. Being aggrieved by this order, the mother of victim has preferred the appeal. After granting bail, the trial Court has suo-motu cancelled the bail as per order dated 15.07.2025 and accused No.5 was remanded to judicial custody in view of cancellation of bail. This order dated 15.07.2025 passed in Special Case No.9 of 2025, was challenged before the

Court in Criminal Appeal No.1648 of 2025. In the said Appeal, this Court has issued notice to Respondent No.2-Prema. Respondent No.2-Prema appeared through her Counsel and filed written objection. On hearing the arguments on both sides, this Court has passed the order on 17.10.2025. In view of the Order, this Court has allowed the Appeal and set aside the order of Additional Sessions Judge FTSC-II, Mandya in Special Case No.9 of 2025 dated 15.07.2025, and the trial Court was directed to release the appellant/accused No.5. After passing the order dated 03.06.2025, the appellant has not challenged/questioned the same by preferring an appeal. However, the trial Court has suo-motu passed the order on 15.07.2025 and cancelled the bail. This bail application is filed on 19.01.2026 after lapse of 7 months and 16 days. Apart from this, after cancellation of bail dated 15.07.2025, the accused number 5/appellant had preferred appeal before the Court. In that appeal, the present appellant has appeared and filed objection. This Court has allowed that appeal filed in Criminal Appeal No.1648 of 2025 as per order dated 17.10.2025. It is submitted that the order passed by the Court in Criminal Appeal No.1648 of 2025 dated 17.10.2025 has not

been challenged before the Apex Court. It is submitted by the learned Counsel for the complainant that the Co-ordinate Bench of this Court has granted bail to the accused No. 1/Aditya in Criminal Petition No.4909 of 2025 by order dated 29.04.2025. The same was challenged by the de-facto complainant before the Hon'ble Apex Court in SLP criminal Diary No.70672 of 2025. SLP was dismissed on 28.01.2026. For the reasons aforestated, this appeal is not maintainable and accordingly dismissed.

Sd/-
(G BASAVARAJA)
JUDGE

LNN
List No.: 1 Sl No.: 33.1