HC-KAR

NC: 2026:KHC:60621
CRL.A No. 1139 of 2026

CNR: KAHC010456672026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1139 OF 2026 (U/S 14(A) (2))

BETWEEN:

1. TEJAS @ SAMRAT
   S/O UMASHANKAR,
   AGED ABOUT 20 YEARS,
   RESIDENT OF #.257/1, 7TH CROSS,
   VIDYANAGAR, MYSURU CITY
   PIN - 570017
   (NOW IN J C)

…APPELLANT

(BY SRI. M SHARASS CHANDRA.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY NAZARBAD POLICE STATION,
   MYSURU DISTRICT,
   (REP. BY THE SPP,
   HIGH COURT PREMISES,
   BENGALURU CITY -560001)

2. SMT. BHANUMATHI,
   W/O LATE BM DORESWAMY,
   AGED ABOUT 70 YEARS,
   RESIDENT OF #.210, 6TH CROSS,
   VIDYANAGAR, MYSURU CITY
   PIN-571130

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE HIM ON BAIL BY SETTING ASIDE THE ORDER DTD 13.05.2026 PASSED BY THE VI ADDL. DISTRICT AND SPECIAL JUDGE, MYSURU IN SPL.C.NO.690/2023 ARISING OUT OF CR.NO.90/2023 REGISTERED BY NAZARBAD P.S., FOR THE OFFENCES P/U/S 341,302,201,34 OF IPC, U/S 3(2)(va) OF SC/ST (POA) AMENDMENT ACT, 2015, PENDING BEFORE THE VI ADDL. DISTRICT AND SPECIAL JUDGE, MYSURU.

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/accused No.1 has preferred this appeal against the orders passed by the VI Addl. District and Special Judge, Mysuru in Spl.C. No.690/2023 dated 13.05.2026.

2. Despite service of notice, respondent No.2 remained absent and unrepresented. Hence, Sri N.Srinivas, Advocate is appointed as Amicus Curiae.

3. I have heard the arguments on both counsels.

4. Learned counsel for the appellant would submit that prior to filing this application, accused No.1 had filed

the bail application, same was rejected. At that time, the material witnesses were not examined. Now CW1 to CW3 who are said to be the eye-witnesses, are examined as PW1 to PW3. Both have turned hostile. The mahazar witnesses also not supported the case of the prosecution. Accused No.2 is already released on bail by the Co-ordinate Bench of this Court, as per judgment passed in Criminal Appeal No.13/2025 dated 03.09.2025.

5. To substantiate his arguments he has produced the deposition of PW1-Smt.Bhanumathi, complainant and PW2-Yashwanth, PW3-Manish eye-witnesses and also the deposition copy of PW4-Srinivasa, PW5-Anil Kumar, PW6-Aruna, PW7-Divesh, PW8-Darshan and PW9-Rajashekhar and sought for allowing this appeal.

6. I have examined the materials placed before this Court.

7. The Co-ordinate bench of this Court has granted bail to the accused No.2-Sanjay @ Sanju @ Soppu in Crininal Appeal No.13/2025 dated 03.09.2025. As per the

charge-sheet, CW2 and CW3 are the eye-witnesses. Both witnesses have turned hostile and have not supported the case of the prosecution. The other witnesses, PW4 to PW9 also not supported the case of the prosecution. All the material witnesses have not supported the case of the prosecution. However, it is not proper to express any opinion on the merits of the case, without conclusion of trial. The accused is in judicial custody, since the date of his arrest i.e., 20.08.2023. The trial is not yet completed. Considering the facts and circumstances of the case, I proceed to pass the following:

ORDER

i. The appeal is allowed.

ii. The order is passed by the VI Addl. District and Special Judge, Mysuru in Spl.C. No.690/2023 dated 13.05.2026 is set aside.

iii. Consequently, application filed under Section 439 of Cr.P.C is allowed.

iv. The appellant/accused No.1 shall be released on bail on executing a self bond of Rs.1,00,000/- (Rupees one lakh only) with one surety for like sum to the satisfaction of the trial Court.

v. The appellant/accused No.1 shall not tamper or threaten the prosecution witness in any manner.

vi. The appellant/accused No.1 shall appear before the trial Court on all dates of hearing.

v. The appellant/accused No.1 shall not indulge in similar offence.

Registry is directed to pay an amount of Rs.5,000/- to Sri N.Srinivas, Amicus Curiae.

Sd/-
(G BASAVARAJA)
JUDGE

KBM., List No.: 1 Sl No.: 47