HC-KAR
NC: 2026:KHC:61287
CRL.A No. 1165 of 2026
CNR: KAHC010463492026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL APPEAL No. 1165 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI. SRIDHAR C.M
AGED ABOUT 28 YEARS
S/O. CHIKKAMUNIYAPPA
RESDING AT CHOKKREDDIPALLI VILLAGE
RONURU HOBLI
SRINIVASAPURA TALUK
KOLAR - 563 135.

(NOW UNDER DURESS AT
THE DISTRICT PRISON, KOLAR).

...APPELLANT

(BY SRI. RAGHAVENDRA K, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
KOLAR RURAL POLICE STATION
KOLAR- 563 135.
REPRESENTED BY THE SPP.,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. SMT. CHOWDAMMA
AGED ABOUT 74 YEARS
W/O. LATE HANUMANTHAPPA
RESIDING AT JANNAGHATTA VILLAGE

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

SUGATURU HOBLI, KOLAR TALUK
KOLAR DISTRICT - 563 102.

…RESPONDENTS

(BY SRI R RANGASWAMY, HCGP FOR R1
SRI K V PRAKASH, ADVOCATE FOR R2)

THIS CRL.A IS FILED UNDER SECTION 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DATED:27.03.2025 AND TO GRANT HIM REGULAR BAIL IN SPL.S.C. IPC AND SC/ST No.16/2023, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302,348,120(B),114,141 OF IPC, UNDER SECTION 3(2)(V) OF SC/ST (POA) ACT, PENDING BEFORE THE II ADDL. DISTRICT AND SESSIONS JUDGE, KOLAR.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by appellant - accused No. 1 praying to set aside the order dated 27.03.2025 passed in Spl. SC IPC & SCST No. 16/2023 by the II Additional District and Sessions Judge, Kolar, whereunder the bail application filed by appellant - accused No. 1 seeking bail in Crime No. 269/2023 of Kolar Rural Police Station for the offence punishable under Sections 302, 348, 120-B, 114

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read with Section 34 IPC and Section 3(2)(v) of SCST (POA) Act, 1989, came to be rejected.

2. Heard the learned counsel for appellant - accused No. 1 and learned HCGP for respondent No. 1 – State. Learned counsel for respondent No. 2 is not present.

3. Case of the prosecution is that accused No. 3 had illicit relationship with accused No.1 (appellant herein) who is her aunt's son. The deceased was the husband of accused No. 3 and he came to know regarding the said illicit relationship and there were quarrels between accused No. 3 and her husband – deceased Krishnamurthy. The deceased was coming in the way of illicit relationship of accused No. 1 with accused No. 3 and he, in conspiracy with accused Nos. 2 and 3, conspired to kill the deceased. In furtherance of the said conspiracy on 29.05.2023 at 08.00 pm when the deceased was returning from Kolar on his bike, at that time, accused Nos.2 and 3 were waiting near the railway gate. At that time, the

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deceased told accused No.1 that he will file complaint against him and send him to jail. Enraged by that accused No. 1 kicked him and when the deceased fell down, accused No. 1 took iron rod kept in his bike and assaulted the deceased on his right hand and head. Thereafter, accused No.2 took the said rod and assaulted with the said rod on the deceased. The deceased died on the way to the hospital. On the complaint by the mother of the deceased a case came to be registered and after investigation charge sheet came to be filed against accused Nos.1 to 3 for the aforesaid offences.

4. Earlier appeal filed by the present appellant - accused No. 1 challenging rejection of his bail order in Crl.A. No. 76/2024 has been dismissed by this Court by judgment dated 19.02.2024. Thereafter appellant - accused No. 1 filed bail application before the Special Court which came to be dismissed by the impugned order.

5. Learned counsel for appellant – accused No. 1 would contend that C.W.2 and C.W.3 are the eyewitnesses

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to the incident and now they have been examined as P.W.2 and P.W.3 and they have not supported the case of the prosecution. Therefore there is no threat to the eyewitnesses as they have already been examined. Appellant - accused No. 1 is in custody for a period of 3 years 7 months and only 4 witnesses are examined by the prosecution and it takes a longer time to conclude the trial. He further submits that the appellant is ready to abide by any terms and conditions to be imposed by this Court. With this he prayed to allow the appeal and to grant bail to appellant - accused No. 1.

6. Per contra learned HCGP would contend that merely because two eyewitnesses - C.W.2 and C.W.3 – P.W.2 and P.W.3 have not supported the case of the prosecution is not a ground for grant of bail. There are other witnesses to be examined. Injuries mentioned in the PM report corresponds to the overt act alleged against appellant - accused No. 1 and weapon is recovered at the instance of appellant - accused No. 1. If appellant -

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accused No. 1 is granted bail there are chances of he threatening the remaining witnesses.

7. Having heard learned counsel for the parties, the Court has perused the impugned order, charge sheet and other materials placed on record.

8. Earlier bail petition filed by appellant – accused No. 1 came to be rejected on the ground that C.W.2 and C.W.3 are eyewitnesses to the incident and there is a threat to the prosecution witnesses. Now C.W.2 and C.W.3 who were eyewitness to the incident have been examined as P.W.2 and P.W.3. Those two witnesses have not supported the case of the prosecution with regard to they witnessing the incident. Appellant - accused No. 1 is in judicial custody since 31.05.2023. Until now only 4 witnesses are examined. As material witnesses are examined there is no question of any threat to the material witnesses who are eyewitnesses to the incident. Considering the above aspects, appellant - accused No. 1 has made out case for grant of bail with the conditions.

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9. In view of the above, the following;

O R D E R

The appeal is allowed. The impugned order dated 27.03.2025 passed in Spl.SC IPC and SCST No. 16/2023 by II Additional District and Sessions Judge, Kolar is set aside. Bail application of appellant - accused No. 1 is allowed and he is granted bail in Crime No. 269/2023 of Kolar Rural Police Station pending in Spl.SC IPC and SCST No. 16/2023 on the file of II Additional District and Session Judge, Kolar, subject to following conditions:

a. Appellant – accused No. 1 shall execute a personal bond for the sum of Rs.2,00,000/- with one surety for the likesum to the satisfaction of the trial Court.

b. Appellant - Accused No. 1 shall not tamper the remaining prosecution witnesses.

c. Appellant – accused No. 1 shall appear before the trial Court on all dates of hearing,

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unless exempted and cooperate for speedy disposal of the case.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 58
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