HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 10467 OF 2025 (439(Cr.PC) / 483(BNSS))
C/W
CRIMINAL PETITION NO. 10514 OF 2025

IN CRL.P No. 10467/2025

BETWEEN:

MR. SACHIN
AGED ABOUT 23 YEARS,
SON OF SURESHA,
BAKERY, RESIDING AT MUTTALLI VILLAGE,
KATTAYA ROAD,
HASSAN TALUK AND DISTRICT-573128
(THE PETITIONER IS IN CUSTODY)

...PETITIONER

(BY SRI. N.S. SRIRAJ GOWDA, ADVOCATE)

AND:

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   BY THE PENSION MOHALLA POLICE STATION,
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING,
   BANGALORE-560001.

2. MRS. SOWMYA JR
   W/O LATE PRASHANT NAGRAJ
   AGED ABOUT 42 YEARS,
   RESIDING AT SHIVAJYOTI NAGARA,
   ADLIMANE ROAD, HASSAN-573201

...RESPONDENTS

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER FOR RESPONDENT NO.1)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER WHO HAS BEEN ARRAIGNED AS ACCUSED NO.2 ON BAIL IN S.C.NO.249/2022 PENDING BEFORE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN, WHEREBY, THE SAME CAME TO BE REJECTED ON 13.05.2025.

IN CRL.P NO. 10514/2025

BETWEEN:

MR. POORNACHANDRA ALIAS POORNA
AGED ABOUT 34 YEARS
SON OF VENKATESH,
RESIDING AT DEVINAGAR
SUNNADAGUDU, 80 FEET ROAD
HASSAN - 573202
(THE PETITIONER IS IN CUSTODY)

...PETITIONER

(BY SRI. N.S. SRIRAJ GOWDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY THE PENSION MOHALLA P.S.,
   REP. BY THE STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   HIGH COURT OF KARNATAKA,
   BENGALURU-560001

2. MRS. SOWMYA JR
   W/O LATE PRASHANT NAGARAJ,
   AGED ABOUT 42 YEARS
   RESIDING AT SHIVAJYOTI NAGARA
   ADLIMANE ROAD, HASSAN - 573201

..RESPONDENTS

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER FOR RESPONDENT NO.1)

THIS CRL.P IS FILED U/S 439 CR.PC (U/S 483 OF BNSS) PRAYING TO ENLARGE THE PETITIONER WHO HAS BEEN ARRAIGNED AS ACCUSED NO.1 ON BAIL, IN SC.NO.249/2022, OF PENSION MOHALLA P.S., IN CRIME NO.51/2022 IN CONNECTION WITH OFFENCES PUNISHABLE UNDER SECTION 302, 37, 120-B,

109, 115, 212, 149, 34 OF IPC, 1860, PENDING BEFORE THE III ADDL. DISTRICT AND SESSIONS COURT AT HASSAN.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners - accused Nos.1 and 2 have filed these petitions under Section 439 of Criminal Procedure Code to enlarge them on bail in S.C.No.249/2022 pending trial before the III Additional District and Sessions Court at Hassan for the offences punishable under Sections 37, 120B, 302, 109, 115, 212 read with Section 149 of Indian Penal Code, 1860 (henceforth referred to as 'IPC' for short).

2. (i) The case of the prosecution is that on 01.06.2022 between 06:30 p.m. to 07:00 p.m., the petitioners - accused Nos.1 and 2 chased the deceased and assaulted him, and thereafter pursued him. It is alleged that, in front of the house of Mr. K. B. Shivaram, the deceased fell down and the petitioners - accused Nos.1 and 2 again assaulted him on various parts of his body, resulting in his death. A FIR was registered in Cr.No.51/2022 by respondent No.1 for the offences punishable under Section 302 read with Section 34 of

IPC and after an investigation a charge sheet was filed for offence punishable under Sections 37, 120B, 109, 115, 212 read with Section 149 of IPC. The case was committed to the Sessions Court for trial in S.C.No.249/2022.

(ii) The prosecution had cited CWs.3 and 4 as eyewitnesses to the incident. The prosecution had also cited CW.11 who was the wife of accused No.1 who stated that she was living with the deceased and that accused No.1 had told her that he would kill the deceased. The charge sheet disclosed that certain recoveries were made at the instance of accused Nos.1 and 2. An application filed by accused Nos.1 and 2 in S.C.No.249/2022 seeking enlargement on bail was rejected in terms of the order dated 13.05.2025.

3. Being aggrieved by the same, the petitioners are before this Court.

4. The learned counsel for the petitioners-accused Nos.1 and 2 in both these petitions submitted that the charge sheet is now filed and therefore there is no possibility of the petitioners tampering or interfering with the investigation. He also submits that the petitioners are willing to abide by any

conditions that may be imposed by this Court. Besides this, he contends that the petitioners are aged 34 and 23 years respectively and therefore prays the petitioners be enlarged on bail.

5. Per contra, the learned High Court Government Pleader for respondent No.1-State submits that the petitioners - accused Nos.1 and 2 are involved in a gruesome murder of the deceased and that there are eye witnesses to the incident. He submits that at this stage, there is prima facie material to justify the continuation of the petitioners in custody and therefore prays that the petitions filed by the petitioners be rejected.

6. I have considered the submissions of the learned counsel for the petitioners in both the petitions and the learned is High Court Government Pleader for the respondent No.1-State.

7. As rightly contended by learned High Court Government Pleader, CWs.3 and 4 are cited as eyewitnesses to the incident. CW.11 is the wife of accused No.1 who

purportedly was living with the deceased and she stated that accused No.1 had disclosed to her that he would kill the deceased. The investigating officer has made some recoveries at the instance of accused Nos.1 and 2. He has also recorded the confession statement of the petitioners and other accused. Therefore, as rightly contended by learned High Court Government Pleader there is prima facie material against the petitioners and hence at this stage, it is not appropriate to enlarge the petitioners-accused Nos.1 and 2 on bail.

8. Consequently, these petitions are ***rejected***. However, the petitioners-accused Nos.1 and 2 are permitted to renew their request for bail after the evidence of CWs.3, 4 and 11 is recorded.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 2 Sl No.: 1