HC-KAR

NC: 2026:KHC:60556
CRL.P No. 12019 of 2026

CNR: KAHC010546742026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12019 OF 2026

BETWEEN:

1. BASAVARAJU S. @ SHIVA
   S/O SHANTAPPA,
   AGED ABOUT 49 YEARS,
   R/O ALKERE VILLAGE, KERAGODU HOBLI,
   TALUKA AND DISTRICT MANDYA - 571 446.

2. SHASHANK B.R.
   S/O RAMESHA,
   AGED ABOUT 23 YEARS,
   R/O 2ND CROSS, DODDABELE COLONY,
   KENGERI BANGALORE - 560 060

   PERMANENT ADDRESS
   BEVINAKUPPE VILLAGE, KASABA HOBLI,
   TALUKA PANDAVAPURA,
   DISTRICT MANDYA - 571 434.

...PETITIONERS

(BY SRI. TIGADI VEERANNA GADIGEPPA, ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
REP BY SUB-INSPECTOR OF POLICE
MELUKOTE POLICE STATION, DISTRICT MANDYA,
REP BY STATE PUBLIC PROSECUTOR, HIGH COURT
OF KARNATAKA, BENGALURU 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNSS) PRAYING TO ALLOW THE PETITION BY GRANTING THEM BAIL IN MELUKOTE POLICE STATION CRIME NO.198/2025 (SESSIONS CASE NO: 5017/2026) FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 61(2)(a), 103(2), 238(a), 45(c), 55 AND 239 R/W 3(5) OF BHARATIYA NYAYA SANHITA, 2023 PENDING ON THE FILES OF THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA (SITTING AT SRIRANGAPATNA).

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.5 and 6 in SC No.5017 of 2026 pending before the Court of III Additional District and Sessions Judge, Mandya, sitting at Srirangapatna, arising out of Crime No.198 of 2025 registered by Melukote Police Station, Mandya for the offences punishable under Section 61(2)(a), 103(2), 238(a), 45(c) and 55 and 239 read with Section 3(5) of BNS 2023, is before this Court this petition

filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.198 of 2025 was registered by Melukote Police Station, Mandya for the offences punishable under Section 103 read with Section 3(5) of BNS, 2023 against one Bheema Uruf Ramachandra and others, based on first information dated 30.11.2025 submitted by Shivanna L.R. During the course of investigation, the petitioners herein were arrested on 17.12.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against 6 persons and petitioners are arrayed as accused Nos.5 and 6 in the charge sheet. Accused Nos.2 to 4 named in the FIR are dropped in the charge sheet.

4. FIR in the present case has been submitted by brother of the deceased Mahesh. He has averred that on 29.11.2025, CW2-Marigowda, who came near his house

had informed him that some persons, who had came in a car, dashed the said car against the two wheeler in which Mahesh was travelling with CW2. Thereafter, they assaulted Mahesh with deadly weapons and committed his murder. Based on the first information received, FIR was registered against Bheema Uruf Ramachandra and others. Undisputedly, the name of petitioners is not found in the FIR. After completing investigation, charge sheet is now filed against 6 persons. Accused Nos.2 to 4, who were named in the FIR are dropped in the charge sheet.

5. According to the prosecution, accused Nos.1 and 5 to 8 were the persons who came in a Murti Omni car on the intervening night of 29.11.2025 and 30.11.2025 and after dashing their vehicle against the two wheeler in which CW2-Marigowda and Mahesh were traveling, assaulted Mahesh with deadly weapons and committed his murder. FIR in the present case was registered based on the information given by CW2-Marigowda. However, the name of the petitioners is not found in the FIR. They were

arrested during the course of investigation on 17.12.2025. Surprisingly, the statement of the alleged eyewitness CW2-Marigowda has been recorded in the present case on 18.12.2025, which is after the petitioners were arrested. Prior to the same, the statement of CW3-Kiran was recorded in the present case, but he had not named the petitioners in his statement. In his statement recorded under Section 183 of the BNSS, 2023, CW3 has not named any one of the assailants. On the other hand, he has stated that immediately after the car had dashed against two wheeler, he had ran away from the spot. It is only based on the statement of CW2-Marigowda, petitioners herein are arrayed as accused.

6. Accused Nos.7 and 8 have been granted regular bail by this Court in Criminal Petition No.7865 of 2026 and Criminal Petition No.7914 of 2026. Accused No.9 who is the person, who allegedly had supplied weapons to the accused has been granted regular bail by this Court in Criminal Petition No.9613 of 2026.

7. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

O R D E R

(i) The Criminal Petition is allowed.

(ii) The petitioners are directed to be enlarged on bail in SC No.5017 of 2026 pending before the Court of III Additional District and Sessions Judge, Mandya, sitting at Srirangapatna, arising out of Crime No.198 of 2025 registered by Melukote Police Station, Mandya for the offences punishable under Section 61(2)(a), 103(2), 238(a), 45(c) and 55 and 239 read with Section 3(5) of BNS 2023, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with

two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 47