HC-KAR

NC: 2026:KHC:59877
CRL.P No. 15103 of 2026

CNR: KAHC010669132026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15103 OF 2026

BETWEEN:

SIDDARAJU
S/O LATE MUGGAPPA
AGED ABOUT 34 YEARS
R/AT NO. 203, 2ND MAIN
2ND CROSS, KEMPEGOWDA LAYOUT
LAGGERE, BANGALORE - 560 058
FATHER NAME OF PETITIONER CORRECT
ADREES MENTIONED AS PER CHARGESHEET.

...PETITIONER

(BY SRI RAKSHITH R, ADV.)

AND:

STATE OF KARNATAKA
BY MAHALAKSHMIPURAM P.S
REP BY SPP, HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.120/2023 OF MAHALAKSHMI LAYOUT POLICE STATION PENDING BEFORE THE FILE OF THE LIX ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BANGALORE (CCH-60) IN SC.NO.1441/2023 FOR THE OFFENCES P/U/S 302, 397, 120B, R/W 34 OF IPC.

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 No.1 in S.C.No.1441/2023 pending before the Court of the LIX Additional City Civil and Sessions Judge, Bengaluru (CCH-60) arising out of Crime No.120/2023 registered by Mahalakshmipuram Police Station, Bengaluru City for the offences punishable under Sections 302, 397, 120B read with Section 34 of IPC, 1860, is before this Court in this successive bail application filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.120/2023 was registered by Mahalakshmipuram Police Station, Bengaluru City for the offences punishable under Sections 302 and 397 of IPC, 1860 against unknown person, based on the first information dated 27.05.2023 received from Sri Guruprasad S/o. deceased Smt. Kamala. During the course of investigation, the petitioner herein was arrested on 01.06.2023 and remanded to judicial custody. After completing investigation, charge sheet is filed against three persons and the petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the

jurisdictional Sessions Court was rejected. Therefore, he had approached this Court in Crl.P.No.2382/2024, which was dismissed by the Co-ordinate bench of this Court as withdrawn with liberty to the petitioner to approach this Court afresh after the examination of CWs.1, 11 to 13, 20, 21, 23, 26 and 27 is completed. This Court had directed the Trial Court to examine the aforesaid witnesses within an outer limit of 10 weeks from the date of receipt of copy of the order. Subsequently, the petitioner had filed fresh bail applications before this Court in Crl.P.No.4109/2025, Crl.P.No.7640/2025 and Crl.P.No.12076/2025, which were all dismissed as not pressed. After examination of the material charge sheet witnesses, the petitioner had filed a fresh bail application before the Trial Court in Crl.Misc.No.7376/2026, which was rejected on 19.09.2026. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that, except the present case, the petitioner has no other criminal case registered against him. The allegations against accused Nos.1 and 2 are similar in the charge sheet. Accused No.2 has been granted regular bail by this Court considering the fact that

all the material charge sheet witnesses are examined and also taking into consideration his period of incarceration.

5. Learned High Court Government Pleader, who has opposed the bail application, does not dispute the submission made by the learned counsel for the petitioner. However, he submits that the fingerprints found at the spot of crime are now proved to be of the petitioner, as per the Fingerprint Bureau Report. Accordingly, he prays to dismiss the petition.

6. FIR in the present case was registered against unknown person. During the course of investigation, three persons were arrested and after completing investigation, charge sheet was filed against them and petitioner is arrayed as accused No.1 in the charge sheet. Accused No.2 had approached this Court in Crl.P.No.4914/2026 which was allowed by this Court on 10.06.2026. In paragraph Nos.6 to 10 of the order passed in Crl.P.No.4914/2026, it is observed as follows:

> *"6. Charge sheet materials would reveal that accused No.3 had done plumbing work in the house of deceased Smt. Kamala, who was aged about 82 years. Accused Nos.1 to 3 who were addicted to vices and were facing financial problems had conspired to rob house in which ladies were staying alone. Accused No.3, who had*

done plumbing work in the house of the deceased, allegedly informed accused nos.1 and 2 that deceased was staying alone in her house and therefore accused Nos.1 to 3 had conspired to commit her murder and rob her house. Prior to committing the alleged crime, they had visited the house of the deceased on two occasions, but had returned without committing the crime since accused nos.2 had refused to enter the house. On the third occasion, accused no.1 and 2 had entered the house of the deceased and accused no.1 had requested her to provide drinking water. When she brought drinking water, after drinking the same, accused no.1 allegedly caught hold of Smt. Kamala and closed her mouth with his hands and asked accused no.2 to tie her hands and legs. When he refused, accused no.1 asked accused no.2 to close the mouth of Smt. Kamala with his hands and thereafter accused no.1 tied her legs and hands. Subsequently, accused no. 1 strangulated the neck of Smt. Kamala with a towel which he had brought with him and committed her murder. Thereafter, accused nos.1 and 2 allegedly robbed the house and took away the gold jewelleries of the deceased.

7. Undisputedly, the petitioner has no criminal antecedents. During the course of investigation, the autorikshaw in which the persons had arrived near the spot of crime and the T-shirt which the petitioner was wearing on the day of the incident were recovered at the instance of the petitioner. The gold jewelry that were

robbed from the house of the deceased were all recovered only at the instance of accused no.1.

8. Earlier bail application of the petitioner was dismissed as withdrawn on 15.11.2024 with liberty to the petitioner to file a fresh bail application after the examination of material charge sheet witnesses is completed. In the said order, the Coordinate Bench of this Court had directed the trial Court to examine the aforesaid witness within an outer limit of 10 weeks from the date of receipt of copy of the order.

9. Learned counsel for the petitioner has brought to the notice of this Court that trial Court has now examined all the material charge sheet witnesses as mentioned in the order dated 15.11.2024 passed in Criminal Petition No.616.2024, except CW11. He submits that CW11 has been given up by the prosecution. The prosecution has cited altogether 61 charge sheet witnesses in the present case and out of the same as on this date 15 charge sheet witnesses have been examined as PW1 to PW15. Petitioner who has no other criminal antecedents is in custody for the last more than 3 years.

10. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - 2024 SCC OnLine SC 1693*** *at paragraph No.19, the Hon'ble Supreme Court has observed as follows:*

> *"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime".*

7. Undisputedly, the petitioner has no other criminal antecedents. The reasoning assigned by this Court while granting regular bail to accused No.2 is squarely applicable to the case of the petitioner.

8. Under the circumstances, I am of the opinion that, considering the period of his incarceration and also the fact that the material charge sheet witnesses are now examined, petitioner's prayer for grant of regular bail needs to be answered affirmatively, without expressing any opinion on the merits and demerits of the case. Accordingly, the following:

ORDER

i) The Criminal Petition is **allowed**.

ii) The petitioner is directed to be enlarged on bail in S.C.No.1441/2023 pending before the Court of the LIX Additional City Civil and Sessions Judge, Bengaluru (CCH-60) arising out of Crime No.120/2023 registered by Mahalakshmipuram Police Station, Bengaluru City for the offences punishable under Sections 302, 397, 120B read with Section 34 of IPC, 1860, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

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

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

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

e) The petitioner shall not leave the jurisdiction of the Trial Court without

permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 95