HC-KAR
NC: 2026:KHC:59767
CRL.P No. 15015 of 2026
CNR: KAHC010673012026

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. 15015 OF 2026

BETWEEN:

JEEVAN PRASAD,
S/O. SANJEEVA GOWDA,
AGED ABOUT 39 YEARS,
R/AT PATLADKA HOUSE,
PADUVANNUR VILLAGE,
PUTTUR TALUK,
DAKSHINA KANNADA - 574 313.

...PETITIONER

(BY SRI. NISHIT KUMAR SHETTY., ADVOCATE)

AND:

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

STATE OF KARNATAKA,
BY PUTTUR RURAL POLICE STATION,
PUTTUR TALUK,
PUTTUR - 574 201.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.CHANNAPPA ERAPPA, HCGP)

THIS CRL.P. IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR

BAIL IN SC NO.5014/2022 (CRIME NO.101/2021) OF PUTTUR RURAL POLICE STATION REGISTERED AGAINST THE PETITIONER FOR THE OFFENCES P/U/S 120B, 364, 302, 397, 201 R/W 34 OF IPC PENDING ON THE FILE OF THE V ADDL.DISTRICT AND SESSIONS JUDGE, D.K.MANGALURU SITTING AT PUTTUR D.K.

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.3 in SC No.5014/2022 pending before the Court of V Additional District and Sessions Judge, Dakshina Kannada, Mangaluru sitting at Puttur Dakshina Kannada, arising out of Crime No.101/2021 registered by Puttur Rural Police Station, Dakshina Kannada, Mangaluru for the offences punishable under Section 120-B, 364, 302, 397, 201 read with Section 34 of IPC, 1860, is before this Court in this successive bail application under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.101/2021 was registered by Puttur Rural Police Station, Dakshina Kannada, Mangaluru, based on the first information dated 19.11.2021 submitted by Shashidhara alleging that, his brother Jagadeesha, who is the deceased in the present case was missing. During the course of investigation of the case, since the first informant had suspected the role of the accused persons, the police had arrested the petitioner and other accused on 25.11.2021. Based on the confession statement of accused No.1, the dead body of deceased Jagadeesha was exhumed from the place where it had been buried. After completing the investigation, charge sheet was filed against 5 persons and petitioner was arrayed as accused No.3 in the charge sheet. His bail application filed before the jurisdictional Sessions Court was earlier rejected and therefore, he had approached this Court in Crl.P.No.7441/2022, which was dismissed as not pressed by this Court on 02.09.2022 with liberty to the petitioner to file a fresh bail application after filing the additional

charge sheet and after receipt of the DNA test report. Subsequently, the petitioner had filed a fresh bail application before the Trial Court in SC No.5014/2022 which was rejected on 30.07.2026. Therefore, the petitioner is before this Court.

4. It is the case of the prosecution that the immovable property belonging to deceased Jagadeesha, of which accused No.1 was a GPA holder was sold by accused No.1 to CW.20 without knowledge of the Jagadeesha. Apprehending that Jagadeesha might take legal action against them, accused No.1, his son accused No.2 and his wife accused No.4 conspired to murder Jagadeesha and in furtherance of such conspiracy on 18.11.2021, accused Nos.1 to 3 had picked up Jagadeesha in a car after he arrived from Mysuru, and thereafter, allegedly committed his murder in the car and buried his dead body with an intention to destroy the evidence. Allegation of assaulting the deceased with weapon and committed his murder is found in the charge sheet against accused No.1. Accused

Nos.2 and 3, who were present along with accused No.1 allegedly caught hold of Jagadeesha, so as to enable accused No.1 to assault him with weapon and commit his murder. The entire case of the prosecution is based on circumstantial evidence.

5. It is not in dispute that the petitioner has no other criminal antecedents and he is said to be an agriculturist by avocation. He is in custody for the last nearly 5 years. The prosecution has cited altogether 88 charge sheet witnesses in the present case. Out of the same as on this date, only 5 witnesses have been examined by the prosecution as PW.1 to PW.5. Therefore, the chances of the trial being completed and the case being disposed of on merits in the near future is very remote.

6. 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. Under the circumstances, I am of the view that without expressing any opinion on the merits and demerits of the case, petitioner's prayer for grant of regular bail needs to be answered affirmatively solely considering his period of incarceration. Accordingly, the following:

O R D E R

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in SC No.5014/2022 pending before the Court of V Additional District and Sessions Judge, Dakshina Kannada, Mangaluru sitting at Puttur Dakshina Kannada, arising out of Crime No.101/2021 registered by Puttur Rural Police Station, Dakshina Kannada, Mangaluru for the offences punishable under Section 120-B, 364, 302, 397, 201 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

AMM
List No.: 1 Sl No.: 91