HC-KAR

NC: 2026:KHC:62035
CRL.P No. 15025 of 2026

CNR: KAHC010673582026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15025 OF 2026

BETWEEN:

SATISH N. @ DARSHAN,
S/O NAGAPPA,
AGED ABOUT 30 YEARS,
R/AT SANTHEHALLI VILLAGE,
KUDINOOR POST, MALUR TALUK,
KOLAR DISTRICT.

...PETITIONER

(BY SRI. DILRAJ JUDE ROHIT SEQUEIRA, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY THE STATION HOUSE OFFICER,
HENNUR POLICE STATION,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA EERAPPA, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL UNDER SEC.483 OF THE BNSS 2023 IN CR.NO.81/2021

OF HENNUR P.S. BENGALURU NOW PENDING IN S.C.NO.1206/2021 BEFORE THE XXVI ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU FOR THE ALLEGED OFFENCE P/U/S 302 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 in S.C.No.1206/2021 pending before the Court of XIII Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, arising out of Crime No.81/2021 registered by Hennur Police Station, Bengaluru for offence punishable under Section 302 of IPC is before this Court in 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.81/2021 was registered by Hennur Police Station, Bengaluru for the aforesaid offence against unknown person, based on the first information

dated 15.05.2021 received from Sharanappa brother of deceased Ashoka. In the said case petitioner was arrested on 27.05.2021 and remanded to judicial custody after completing investigation charge sheet is filed against him for the aforesaid offence. His bail application filed before the Trial Court in Criminal Misc. No.25635/2026 was rejected on 29.07.2026. Therefore he is before this Court.

4. A reading of the first information as well as the charge sheet which is filed against the petitioner would reveal that deceased Ashoka who was married and having two children, originally hailed from Gulbarga Town. He had shifted to Bengaluru and was working as a coolie in Bengaluru. On 14.05.2021 Ashoka had slept in a park near Babu Sab Palya bus stop within the jurisdiction of Hennur police station. It appears that subsequently at about 9.45 p.m., petitioner who was regularly sleeping at the said place had gone to the said place for sleeping. Since he found Ashoka sleeping in the said place, he allegedly had

quarreled with him and thereafter had assaulted him with a machete and committed his murder.

5. From the aforesaid it is apparent that deceased Ashoka was a total stranger to the petitioner and he had no motive or ill-will against Ashoka. Petitioner is in custody in the present case for the last more than five years.

6. As on this date, out of 20 charge sheet witnesses cited, only 9 charge sheet witnesses have been examined as PW-1 to 9.

7. Submission made by learned counsel for the petitioner that all the material charge sheet witnesses including the alleged eye witnesses CW-2 and 3 have been now examined before the Trial Court is not seriously disputed by learned High Court Government Pleader. Submission made by learned counsel for the petitioner that petitioner has no other criminal antecedent is also not in dispute.

8. The Hon'ble Supreme Court in the case of ***Javed Gulam Nabi Shaikh -vs- State of Maharashtra and Another reported in (2024) 9 SCC 813*** in paragraph No.17 as observed as follows:-

> *"17. 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."*

9. Under the circumstances, I am of the opinion that prayer made by the petitioner for grant of regular bail is to be answered affirmatively solely taking into consideration his period of incarceration. Accordingly, following:-

ORDER

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

ii) The petitioner is directed to be enlarged on bail in S.C.No.1206/2021 pending before the Court of XIII Additional City Civil and Sessions Judge, Mayo hall, Bengaluru in Crime No.81/2021 registered by Hennur Police Station, Bengaluru for the offences punishable under Section 302 of IPC, subject to the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one 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; and

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 them is disposed off.

SD/-
(S VISHWAJITH SHETTY)
JUDGE

VS
List No.: 1 Sl No.: 54