HC-KAR
NC: 2026:KHC:61535
CRL.P No. 15026 of 2026
CNR: KAHC010673592026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15026 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

BISWAJITH SAHA
S/O SANKAR SAHA,
AGED ABOUT 29 YEARS,
NIRANJAN NAGAR COLONY,
(ANGSHIK) SILIGURI CORPORATION,
BHAKTINAGAR, JALPAIGURI,
WEST BENGAL-34006.

...PETITIONER

(BY SRI. DILRAJ JUDE ROHIT SEQUEIRA, ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
BY HOSKOTE POLICE STATION,
BENGALURU RURAL DISTRICT,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL U/S 483 OF THE BNSS 2023 IN

CONNECTION WITH CRIME NO.220/2022 REGISTERED BY HOSAKOTE POLICE STATION FOR THE OFFENCES P/U/S 302 R/W 34 OF THE IPC NOW PENDING BEFORE THE HONBLE COURT OF PRL.DISTRICT AND SESSIONS JUDGE BENGALURU RURAL DISTRICT BENGALURU IN SC NO.286/2023.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.1 in SC No.286/2023 pending before the Principal District and Sessions Judge, Bengaluru Rural District, Bengaluru, arising out of Crime No.220/2022 registered by Hosakote police station, Bengaluru, for the offences punishable under Section 302 read with Section 34 of IPC is before this Court in the successive bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

2. Heard learned counsel for the parties.

3. The FIR in Crime No.220/2022 was registered by Hosakote Police Station for offence punishable under Section 302 of IPC against one Rooni and his brother based on the first information dated 27.06.2022 by

Annapurna, wife of deceased Raghavendra. Petitioner was arrested on 11.07.2022 and remanded to judicial custody. After completion of the investigation, charge sheet was filed against two persons and petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the trial Court in Criminal Miscellaneous Petition No.2184/2022 was rejected on 01.12.2022. Thereafter he approached this Court in Criminal Petition No.381/2023 which was dismissed by the Co-ordinate Bench of this Court on 23.03.2023 with liberty to the petitioner to renew his request with a successive bail application if there is any change in circumstances in the case. It is under these circumstances petitioner is before this Court in this successive bail application.

4. Learned counsel for petitioner reiterating the grounds urged in the petition submits that material charge sheet witnesses are examined as PWs1 to 9. Out of the 27 charge sheet witnesses PWs 1 to 9 are examined in this

case. Petitioner is in custody for the last four years. Accordingly prays for allowing the petition.

5. Per contra, learned HCGP opposes the bail petition and submits that if petitioner is enlarged on bail it would be difficult to secure his presence. He submits that petitioner is from the State of West Bengal and since trial is in progress, he prays to dismiss the petition.

6. Accused Nos.1 and 2 who hail from the State of West Bengal were working in Bengaluru as construction workers with CW12. It appears that deceased Raghavendra was also working with CW12 as a Mason. Raghavendra had borrowed a sum of Rs.2,500/- from accused No.1 and since he had failed to repay, accused No.1 had a grievance against him. On 26.06.2022 in this background there was a quarrel between the accused persons and Raghavendra and at about 8.00 p.m. on the said day accused persons had allegedly assaulted Raghavendra with iron rods and committed his murder.

7. The entire case of the prosecution is based on circumstantial evidence. Petitioner who has no criminal antecedents is in custody for the last four years. Out of the 27 charge sheet witnesses cited in the present case, 9 charge sheet witnesses have been examined as PW1 to PW9. Since only 9 charge sheet witnesses are examined out of the 27 cited in the charge sheet, the chances of trial being completed in the near future is remote. The Hon'ble Apex Court in the case of **Javed Gulam Nabi Shaikh Vs State of Maharashtra and anr** reported in ***(2024)9 SCC 813*** at paragraph 17 has held as under:

> ***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.*

8. Under the circumstances, this Court is of the view that without expressing any opinion on the merits and demerits of the case, the petitioner's prayer for grant of regular bail needs to be answered in the affirmative,

solely on the ground of his incarceration, subject to appropriate conditions. Accordingly, following:

ORDER

The criminal petition is ***allowed***. The petitioner is directed to be enlarged on bail in Crime No.220/2022 of Hosakote Police Station, Bengaluru Rural District, registered for the offences punishable under Section 302 read with Section 34 of IPC subject to the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties, out of which one shall be a local surety, 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

SBN
List No.: 1 Sl No.: 52