HC-KAR

NC: 2026:KHC:61541
CRL.P No. 15236 of 2026

CNR: KAHC010675592026

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. 15236 OF 2026

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

BETWEEN:

SRI. GANGARAJA N.G.,
S/O. NARAYANSWAMY,
AGED ABOUT 27 YEARS,
R/AT. HIREKARAPANAHALLI VILLAGE,
BANGARPET TALUK,
KGF-563 114.

...PETITIONER

(BY SRI. RAGHAVENDRA A V., ADVOCATE)

AND:

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA
BY THE POLICE OF
BUDIKOTE POLICE STATION,
KGF DISTRICT
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BANGALORE-560 009.

...RESPONDENT

(BY SRI. RAHUL RAI K. HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO RELEASE THE PETITIONER ON BAIL IN SC.NO.159/2025 ARISING OUT OF CR.NO.42/2025

REGISTERED BY THE RESPONDENT BUDIKOTE P.S., KOLAR DISTRICT, FOR THE OFFENCE P/U/S 310(2) OF BNS, 2023, PENDING BEFORE THE LEARNED HON'BLE III ADDL. DISTRICT AND SESSIONS JUDGE, AT KOLAR.

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 S.C.No.159/2025 pending before the Court of III Additional District and Sessions Judge at Kolar sitting at KGF arising out of Crime No.42/2025 registered by Budikote Police Station, for the offence punishable under Section 310(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) is before this Court in this successive bail application filed under Section 483 of the BNSS 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.42/2025 was registered by the Budikote Police Station for offence punishable under Section 309 of BNS, 2023, against petitioner and others based on first information dated 21.05.2025 received from Purushotham, son of Krishnappa. In said case petitioner was arrested on 03.06.2025

and remanded to judicial custody. After completion of investigation charge sheet was filed against five persons and petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the trial Court was rejected and thereafter he filed Criminal Petition No.1614/2026 before this Court which was dismissed against him on 21.04.2026. Subsequently, he had filed a fresh bail application before the trial Court in S.C.No.159/2025 after CWs1 to 3 were examined before the trial Court. The said bail application was rejected by the trial Court on 22.09.2026. Therefore, petitioner is before this Court.

4. Learned Counsel for the petitioner submits CW-1 to CW-3 have been now examined and they have completely turned hostile to the case of the prosecution. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP, who has opposed the bail petition, does not dispute the submission made by learned Counsel for petitioner. He, however, brings to the notice of this Court that petitioner is a person with criminal antecedents. Accordingly, he prays to dismiss the petition.

6. As per the charge sheet allegations, on 21.05.2025, accused nos.1 to 5 had intercepted the lorry bearing registration No.KA-01-AE-1634 and lorry bearing registration No.KA-53-B-1188 belonging to CW-1. It is alleged that the accused persons by threatening CW-2 & CW-3 who were the drivers of the aforesaid two lorries, allegedly robbed a sum of Rs.3,000/- and Rs.1,000/- each from them. The said amount was allegedly transferred from the account of the drivers to the account of accused no.1. Accused nos.2 to 5 who were arrested in the present case, have been granted regular bail by this Court in Crl.P.No.14960/2025 and Crl.P.No.1614/2026. Bail application of the petitioner was earlier rejected only for the reason that he had received the aforesaid amount of Rs.4,000/- through google pay in his account and also for the reason that he is a person with criminal antecedents. CW-1 to CW-3 who have been now examined before the Trial Court as PW-1 to PW-3 allegedly have turned hostile to the case of the prosecution.

7. Be that as it may, petitioner is in custody in the present case from 03.06.2025 onwards. Since material charge-sheet

witnesses are already examined, there cannot be any apprehension that he may tamper with the said witnesses. Considering the aforesaid aspects of the matter, I am of the opinion that petitioner's prayer for grant of regular bail is required to be answered affirmatively. Accordingly, the following order:

8. Petition is ***allowed***. The petitioner is directed to be enlarged on bail in in S.C.No.159/2025 pending before the Court of III Additional District and Sessions Judge at Kolar sitting at KGF arising out of Crime No.42/2025 registered by Budikote Police Station, for the offence punishable under Section 310(2) of the Bharatiya Nyaya Sanhita, 2023, subject to the following conditions:

a) Petitioner shall execute a 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

SBN
List No.: 1 Sl No.: 56