HC-KAR

NC: 2026:KHC:61516
CRL.P No. 15244 of 2026

CNR: KAHC010677542026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15244 OF 2026

BETWEEN:

SRI SHIVARAJ
S/O LADAPPA PADASHETTI
AGED ABOUT 29 YEARS
R/O ELECTRONIC CITY PHASE-2
BENGALURU - 560 100
NATIVE HATYANA GALLI
ALANDA TOWN AND TALUK
KALABURGI - 585 302.

...PETITIONER

(BY SRI LINGARAJU K.R, ADV.)

AND:

STATE BY BANNERUGHATTA
POLICE STATION, REP., BY IT'S SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

...RESPONDENT

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO RELEASE THE PETITIONER ON BAIL IN SC.NO.5045/2026 ARISING OUT OF CR.NO.324/2025 REGISTERED BY BANNERGHATTA P.S., FOR THE OFFENCES P/U/S 103(1),238,61(2) R/W 3(5) OF BNS, 2023, PENDING BEFORE THE III ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, SIT AT ANEKAL.

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

CNR: KAHC010677542026

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.1 in S.C.No.5045/2026 pending before the Court of III Addl. District & Sessions Judge, Bengaluru Rural District, sitting at Anekal, arising out of Crime No.324/2025 registered by Bannerghatta Police Station, Bengaluru District, for the offences punishable under Sections 103(1), 238, 61(2) read with 3(5) of BNS, 2023, 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.324/2025 was registered by Bannerghatta Police Station, Bengaluru District, for the aforesaid offences against the petitioner and others, based on the first information dated 10.11.2025 received from Manjunatha.K., Police Officer attached to Bannerghatta Police Station. In the said case, petitioner was arrested on 10.11.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against three persons and petitioner is arrayed as accused no.1 in the charge sheet. His bail application filed before the Trial Court in S.C.No.5045/2026

was rejected on 31.08.2026. Therefore, petitioner is before this Court.

4. Learned Counsel for the petitioner having reiterated the grounds urged in the petition, submits that the case of the prosecution is based on circumstantial evidence. Accused nos.2 & 3 have been granted regular bail by this Court in Crl.P.No.9795/2026 disposed of on 06.08.2026. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP who has opposed the petition, submits that strong circumstances are available on record against the petitioner which he has failed to explain. Petitioner had a motive to commit the murder. Accordingly, he prays to dismiss the petition.

6. Material on record would go to show that after the unidentified dead body of a male was found within the jurisdiction of Bannerghatta Police Station, a UDR case in No.44/2025 was registered and during the course of investigation of the said case, in the CCTV footage from a nearby factory, it was found that some persons in a swift car bearing registration No.KA-51-AC-5622 had dumped the dead

body at the place where it was found. It is under these circumstances, petitioner who is the owner of the aforesaid car was arrested on 10.11.2025 and during the course of interrogation, he had confessed to the crime, and thereafter, accused nos.2 & 3 were also arrested and remanded to judicial custody.

7. As per the charge sheet allegations, deceased was the brother of the petitioner. He had multiple criminal cases registered against him and a chronic drunker. Deceased was allegedly harassing the petitioner and also his family members, and therefore, petitioner decided to eliminate him and accordingly he conspired with accused nos.2 & 3 who are his friends. On 02.11.2025, accused nos.1 to 3 had taken deceased Dhanaraj in the aforesaid car belonging to the petitioner and committed his murder. As per the charge sheet allegations, accused nos.2 & 3 had caught hold of Dhanaraj and petitioner had assaulted him with a machete which he had carried in his car and committed his murder.

8. In the CCTV footage which is recovered, only the movement of the car bearing registration No.KA-51-AC-5622 is

found and the persons who had arrived in the said car are not clearly seen, and it is under these circumstances, accused nos.2 & 3 have been granted bail by this Court.

9. So far as the petitioner is concerned, undisputedly, the aforesaid car in which the dead body of deceased Dhanaraj who is none other than the petitioner was brought and dumped at the place where it was recovered, is found. Petitioner has failed to explain the same. According to the prosecution, petitioner had a motive to commit the murder of his brother. The allegation of assaulting Dhanaraj with a machete which was carried by the petitioner in his car, is as against the petitioner. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail cannot be considered at this stage. Accordingly, petition is dismissed, reserving liberty to the petitioner to file a fresh application before the Trial Court after material charge sheet witnesses are examined.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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