HC-KAR

NC: 2026:KHC:61708
CRL.P No. 15413 of 2026

CNR: KAHC010683462026

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. 15413 OF 2026

BETWEEN:

RAVI R @ CHINNAPA GARDEN RAVI
S/O RANGASWAMY
AGED ABOUT 37 YEARS
R/A NO.38, 3RD CROSS
OPP. MARAPPA GARDEN
BENSON TOWN, BANGALORE - 560 046.

...PETITIONER

(BY SRI HANUMANTHARAYA C.H, ADV.)

AND:

STATE OF KARNATAKA
REP. BY KORAMANGALA P.S
REPRESENTED BY STATE PUBLIC
PROSECUTOR, KARNATAKA HIGH
COURT BUILDING, AMBEDKAR VEEDHI
BANGALORE - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN S.C.NO.1416/2021 ARISING OUT OF CRIME NO.156/2021 OF KORAMANGALA P.S., DATED 19.07.2021 NOW PENDING ON THE FILE OF THE HONBLE 68th ADDL CITY CIVIL AND SESSIONS BENGALURU FOR THE OFFENCE P/SU/ 302,307,143,145,147,148,120-B,201,35,37 R/W SEC.149 OF IPC 1860 AND SEC.25(1)(1-B),27(3) OF ARMS ACT 1959.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

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ORAL ORDER

1. Accused no.1 in S.C.No.1416/2021 pending before the Court of LXVIII Addl. City Civil & Sessions Judge, Bengaluru, arising out of Crime No.156/2021 registered by Koramangala Police Station, Bengaluru City, for the offences punishable under Sections 302, 307, 143, 145, 147, 148, 120B, 201, 35, 37 read with 149 IPC and Sections 25(1)(1-B), 27(3) of Arms Act, 1959, is before this Court in this successive bail petition filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.156/2021 was registered by Koramangala Police Station, Bengaluru City, for the offences punishable under Sections 143, 145, 147, 148, 120B, 307, 302, 149 IPC, against nine named persons and others based on the first information dated 19.07.2021 received from Smt. Jennifer - wife of deceased Joseph Babu. During the course of investigation of the said case, petitioner herein was arrested on 24.07.2021 and subsequently remanded to judicial custody. His bail application filed before the Trial Court was earlier rejected,

and therefore, he had approached this Court in Crl.P.No.3636/2026, which was dismissed as withdrawn with liberty to the petitioner to file a fresh regular bail application before the Trial Court. Subsequently, petitioner had filed a fresh bail application before the Trial Court in S.C.No.1416/2021, which was dismissed on 16.09.2026. Therefore, he is before this Court in this successive bail petition seeking regular bail.

4. CW-1 - Smt. Jennifer who is the wife of deceased Joseph Babu is an eye-witness to the incident in question. Undisputedly, petitioner's name is not found in the FIR. During the course of investigation, based on credible information, accused nos.1 and 4 were apprehended by the police and since the said accused tried to assault the police with weapons when an attempt was made to apprehend them, PSI - Puttaswamy - CW-88 after warning the accused persons had fired bullet from his service revolver on the left leg of the petitioner and as a result, he had suffered grievous injury on his leg. In respect of the said incident, a separate case was registered in Begur Police Station, in Crime No.143/2021 as against accused no.1

and accused no.4 - Pradeep @ Chotte. Subsequently, the injured accused were admitted in the hospital and it appears that thereafter petitioner was arrested on 24.07.2021 and produced before the Court and remanded to judicial custody. After completing investigation, charge sheet has been filed in the present case as against 11 persons. Petitioner is arrayed as accused no.1 in the charge sheet.

5. According to the prosecution, accused persons had enemity with deceased Joseph Babu, and therefore, they had conspired to commit his murder, and in furtherance of such conspiracy, on 19.07.2021, they had followed Joseph Babu who had gone to Union Bank along with his wife - CW-1, and thereafter, assaulted him and committed his murder. As per the charge sheet allegations, accused nos.1 to 3 are the assailants who had assaulted Joseph Babu with deadly weapons and also had entered the bank after Joseph Babu ran inside the bank, and assaulted him inside the bank with deadly weapons and committed his murder. The other accused persons allegedly had conspired with accused nos.1 to 3 to commit the murder

and they were all outside the bank keeping a watch when accused nos.1 to 3 assaulted Joseph Babu.

6. CW-1 to 3 and CW-15 to 20 are the alleged eye-witnesses in the present case. CW-1 to 3 have been examined as PW-1 to 3 and CW-15 to 20 who are the officials of the bank present inside the bank when accused nos.1 to 3 assaulted Joseph Babu with weapons, are examined as PW-11 to 15. The prosecution, in all, has cited 111 charge-sheet witnesses in the present case. Charges were framed against the accused in the present case in S.C.No.1416/2021 by the Trial Court on 09.03.2023. As on this date, out of the 111 charge-sheet witnesses, only 15 charge-sheet witnesses have been examined as PW-1 to 15. Except the assailants - accused nos.1 to 3, all the other accused persons have been granted bail in the present case. Accused no.4 was granted regular bail by this Court in Crl.P.No.5302/2026 and accused no.6 was granted regular bail by this Court in Crl.P.No.8207/2026, both disposed of on 14.07.2026. Accused nos.5 & 7 were granted regular bail by this Court in Crl.P.No.280/2026 disposed of on 25.03.2026. Accused nos.8 to 10 have been granted regular bail by the

Coordinate bench of this Court in Crl.P.No.1984/2023 and Crl.P.No.2039/2023 disposed of on 08.12.2023. Accused no.11 has been granted regular by the Coordinate bench of this Court in Crl.P.No.15099/2025 disposed of on 12.01.2026.

7. A perusal of the charge sheet would go to show that at the instance of the petitioner, no recovery has been made by the Investigation Officer during the course of investigation. According to the learned Counsel for the petitioner, PW-11 to 15 who are the bank officials present at the spot of crime on the alleged date of incident, have all stated that assailants had covered their face with mask, and therefore, they were not in a position to identify the assailants. Learned HCGP has not seriously disputed the said submission made by the learned Counsel for the petitioner.

8. Be that as it may, the fact remains that all the alleged eye-witnesses viz., PW-1 to 3 & PW-11 to 15 have been examined in the present case. Since material charge-sheet witnesses are now examined, there cannot be any

apprehension that petitioner may tamper with the said prosecution witnesses.

9. It is brought to the notice of this Court that prior to the registration of the present case, petitioner was involved in three other cases and out of the same, in two cases he has been already acquitted and in the other case, he has been granted bail.

10. Out of 111 charge-sheet witnesses cited in the present case, as on this date, only 15 witnesses have been examined as PW-1 to 15. A perusal of the order sheet of the Trial Court would go to show that PW-15 was examined before the Trial Court on 25.03.2026. Thereafter, for the last seven months, not even a single witness has been examined before the Trial Court, and the order sheet would reveal that the prosecution has failed to keep witnesses present before the Trial Court.

11. From the aforesaid, it appears that chances of the trial being completed and the case being disposed of in the near soon on merits is very remote. Petitioner is in custody in the present case for the last more than five years. Except accused

nos.1 to 3, all the other accused have been granted bail in the present case.

12. The Hon'ble Supreme Court in the case of **SAHIL MANOJ MACHARE V. THE STATE OF MAHARASHTRA** - **(2026) SCC ONLINE SC 810,** wherein the accused was in custody for the almost four years and though charges were framed, witnesses were not examined by the Trial Court, has granted regular bail to the accused solely on the ground of his incarceration. Similar view has been taken by the Hon'ble Supreme Court in the case of **SADDAM HUSSAIN M.K & others V. THE UNION OF INDIA** - **SLP(Crl.)No.2717 of 2025 dated 19.05.2025**.

13. 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".

14. In view of the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively considering the period of his incarceration, without expressing any opinion on the merits/demerits of the case. Accordingly, the following order:

15. Criminal petition is allowed. Petitioner is directed to be enlarged on bail in S.C.No.1416/2021 pending before the Court of LXVIII Addl. City Civil & Sessions Judge, Bengaluru, arising out of Crime No.156/2021 registered by Koramangala Police Station, Bengaluru City, for the offences punishable under Sections 302, 307, 143, 145, 147, 148, 120B, 201, 35, 37 read with 149 IPC and Sections 25(1)(1-B), 27(3) of Arms Act, 1959, 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

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