HC-KAR

NC: 2026:KHC:60658
CRL.P No. 16065 of 2026

CNR: KAHC010732032026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY**

**CRIMINAL PETITION NO. 16065 OF 2026**

**BETWEEN:**

1. VARUN S @ VARUN GOWDA
   @ VARUN KUMAR @ BODA
   S/O SHIVAKUMAR
   AGED ABOUT 31 YEARS
   PERMANENT R/AT NO.103, VEERA CHANNANNA
   BUILDING, SOMANAHALLI
   UTHARAHALLI HOBLI
   BENGALURU SOUTH TALUK
   BENGALURU CITY PIN - 560 061
   PERMANENT R/AT HUDINDA VILLAGE
   KODIHALLI HOBLI, KANAKAPURA TALUK
   BENGALURU SOUTH DISTRICT PIN - 562 119.

2. RAJITH @ JIMMY
   S/O RAMAKRISHNA
   AGED ABOUT 29 YEARS
   R/AT BANJARUPALYA AGRA VILLAGE
   KENGERI HOBLI, BENGALURU SOUTH TLAUK
   BENGALURU CITY - 560 060
   PERMANENT R/AT NEAR INSTAMART
   DODDAKALLASANDRA KANAKAPURA
   MAINROAD, BENGALURU DIST PIN - 560 062.

...PETITIONERS

(BY SRI SHARATH J.M, ADV.- V.C)

**AND:**

STATE OF KARNATAKA
BY HAROHALLI POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
HIGH COURT OF KARNATAKA
AT BENGALURU - 560 001.

...RESPONDENT

(BY SRI SHARATH J.N, ADV.,)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO RELEASED THEM ON BAIL WHO ARE THE ACCUSED NO.1 AND 2 IN CRIME NO.113/2025 (SC NO.5045/2025) REGISTERED BY RESPONDENT HAROHALLI POLICE STATION FOR THE OFFENCES P/U/S 61(2)(a), 49, 281, 125(a), 103(1), 249, 190 OF BNS NOW PENDING ON THE FILE OF THE II ADDL.DISTRICT AND SESSIONS JUDGE, BENGALURU SOUTH SITTING AT KANAKAPURA IN RESPECT OF PETITIONER.

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 Nos.1 and 2 in S.C.No.5045/2025 pending before the Court of II Additional District and Sessions Judge, Bengaluru South District sitting at Kanakapura arising out of Crime No.113/2025 registered by Harohalli Police Station, Ramanagara for the offences punishable under Section 61(2)(a), 49, 249, 190, 103(1), 125(a), 281 of BNS, 2023, are 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.113/2025 was registered by Harohalli Police Station, Ramanagara for the aforesaid offences against two to three unknown persons, based on the first information dated 03.05.2025 received from Sri Jeethendra R, who is the close relative of deceased Santhosh Kumar @ Santhosh @ Santhu @ Karadi. In the said case, the petitioners were arrested on 06.05.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against five persons and petitioners are arrayed as accused Nos.1 and 2 in the charge sheet. Their bail application filed before the jurisdictional Sessions Court in S.C.No.5045/2025 was rejected on 08.10.2026. Therefore, they are before this Court.

4. FIR in the present case was registered against unknown persons. During the course of investigation, petitioners and other accused were arrested, and charge sheet was filed against five persons. In the charge sheet, it is alleged that accused No.1 had ill will against deceased

Santhosh Kumar, who was involved in the murder case registered by Kumaraswamy Layout Police Station in Crime No.41/2023, in which the close relative of accused No.1 was murdered. It is in this background accused No.1 had conspired with the other accused persons to commit the murder of Santhosh Kumar.

5. In furtherance of such conspiracy, on 03.05.2025, accused Nos.1 and 2 followed Santhosh, who was riding a motorbike, in a car bearing registration No.KA-05-MB-4812 and dashed their car against his motorbike and thereafter assaulted him with deadly weapons and committed his murder. CW.1 and CW.2 are said to be the alleged eyewitnesses in the present case. They have been now examined before the Trial Court as PW.1 and PW.2. The submission made by the learned counsel for the petitioners that PW.1 and PW.2 have turned hostile to the case of the prosecution and therefore, they are treated as hostile witnesses and cross-examined in vain by the Public Prosecutor is not seriously disputed by

the learned High Court Government Pleader. Accused Nos.3 to 5 have been granted regular bail by this Court in Crl.P.No.111/2026, Crl.P.No.14328/2025 and Crl.P.No.14288/2025.

6. Learned High Court Government Pleader has brought to the notice of this Court that the petitioners are persons with criminal antecedents. However, the fact remains that the alleged eyewitnesses are now completely examined and they have turned hostile to the case of the prosecution. The petitioners are in custody in the present case for the last nearly one year and six months.

7. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

**ORDER**

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

ii) The petitioners are directed to be enlarged on bail in S.C.No.5045/2025 pending before the Court of II Additional District and Sessions Judge, Bengaluru South District sitting at Kanakapura arising out of Crime No.113/2025 registered by Harohalli Police Station, Ramanagara for the offences punishable under Section 61(2)(a), 49, 249, 190, 103(1), 125(a), 281 of BNS, 2023, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners 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**

SHS
List No.: 1 Sl No.: 87