HC-KAR
NC: 2026:KHC:61312
CRL.P No. 16692 of 2026
CNR: KAHC010753302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 16692 OF 2026

BETWEEN:

MR PRADOOSH S RAO @ PRADOOSH,
S/O. LATE SUBBARAO,
AGED ABOUT 42 YEARS,
R/O. HOUSE NO. 56, JP ROAD,
GIRINAGAR, BANGALORE 560085,
(PETITIONER PRESENTLY
IN JUDICIAL CUSTODY).

...PETITIONER

(BY SRI K DIWAKARA, SENIOR ADVOCATE FOR
SRI SANTHOSH U,ADVOCATE)

AND:

1. STATE BY KAMAKSHIPALYA POLICE,
REP BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. MR DARSHAN,
S/O LATE TOOGUDEEP SRINIVAS,
AGED ABOUT 48 YEARS,
R/AT NO.217, IDEAL HOMES,
RAJARAJESHWARI NAGAR,
BENGALURU - 560098.
(RESPONDENT NO.2 IMPLEADED
VIDE ORDER DATED 04.11.2026)

...RESPONDENTS

(BY SRI HASHMATH PASHA, SENIOR ADVOCATE FOR
SRI NASIR ALI, ADVOCATE FOR R2,
SRI P PRASANNA KUMAR, SPP FOR R1)

Digitally signed by BELUR RANGADHAMA NANDINI
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010753302026

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN S.C. NO. 1319/2024, ARISING OUT OF CRIME NO. 250/2024 OF KAMAKSHIPALYA POLICE STATION, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 143, 147, 148, 149, 201, 302 AND 34 OF THE INDIAN PENAL CODE, 1860, PENDING ON THE FILE OF THE HONBLE LVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, FOR A PERIOD OF 20 DAYS, I.E., TO PERFORM THE HIS LATE FATHER, MR.SUBBARAO FIRST YEAR DEATH ANNIVERSSARY.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

The application filed by impleading applicant/accused No.2 to come on record as respondent No.2 to oppose this petition filed by the petitioner/approver is allowed as the Court is of the view that the accused No.2 / impleading applicant has a say in the matter.

2. Learned counsel for the petitioner to amend the cause title and incorporate the name of respondent No.2 in the cause title.

3. Heard the learned Senior counsel appearing for the petitioner, learned Senior counsel for respondent No.2 the learned Special Prosecutor for the respondent/State.

4. The petition is filed with a prayer to enlarge the petitioner on bail in S.C.No.1319/2024 arising from Crime No.250/2024 before Kamakshipalya Police Station. The offences alleged are under Sections 120B, 143, 147, 148, 149, 201, 302 and Section 34 of Indian Penal Code, 1860.

5. The matter is pending before the Additional Sessions Judge, Bengaluru. The petitioner submits that he should be released on bail for a period of 20 days to perform the religious ceremonies concerning the first death anniversary of the petitioner's father late Mr. Subbarao.

6. Learned Senior counsel appearing for the petitioner would submit that the petitioner's father died on 22.10.2025 and the petitioner is the only son. It is the

submission that the first death anniversary (as per Hindu calendar) falls in the second week of November, 2026 and starting from 07.11.2026 to 12.11.2026 certain religious ceremonies have to be performed by the petitioner, the only son of deceased Mr.Subbarao.

7. Learned Senior counsel would submit that the petitioner being an approver, is in custody in the aforementioned case. Hence, his application for release on bail for 20 days is rejected by the Trial Court on the ground that a petition under Section 439 Criminal Procedure Code, 1973 (Cr.P.C.) seeking release of an approver is not maintainable because of the prohibition under Section 306(4) of Cr.P.C.

8. Learned Senior counsel would submit that the High Court in exercise of its power under Section 482 of the Cr.P.C. can certainly take note of exceptional circumstance and can pass appropriate order to ensure that the petitioner is released on bail to enable the

petitioner to perform the religious ceremonies of his father who died a year ago.

9. Learned Senior counsel would submit that the religious ceremonies on account of first death anniversary are important ceremonies and cannot be skipped or postponed and have to be performed on the specific dates.

10. Learned Senior counsel would also submit that the Trial Court has observed that it has no jurisdiction to pass an order because of the mandate of Section 306(4) and has referred to the judgment of the Apex Court wherein the Apex Court has held that the High Court in exceptional cases can pass appropriate orders to ensure that even the approver who is in custody is released on bail for certain period.

11. Thus, learned Senior counsel would urge that the application be allowed and the petitioner be released on bail for 20 days as the petitioner is required to perform

and take responsibilities of attending the work in connection with the aforementioned ceremonies.

12. Learned Senior counsel appearing for the second respondent/accused would oppose the petition on the ground that the petitioner is an approver and he is in custody and is required to be in custody in view of the mandate under Section 306(4) of the Cr.P.C. The said provision is incorporated to ensure that the approver's evidence will have sanctity and approver is not influenced by persons who are interested in prosecuting the accused.

13. It is the further submission of the learned Senior counsel for respondent No.2 that the petitioner was released on bail when his father died a year ago and during that period because of the intervention of the Police the petitioner turned to be an approver and the Police have been escorting the petitioner from the prison to the Court and in the said period, the petitioner is tutored to support the prosecution case.

14. In addition, the learned Senior counsel would also urge that the Trial Court has passed an order restraining the Police from accompanying the petitioner while he is taken from prison to the Court and from Court to the prison.

15. Learned Senior counsel would refer to the judgment of the Apex Court in ***Suresh Chandra Bahri vs. State of Bihar***[1] to urge that the petition has to be dismissed.

16. Learned Senior counsel for respondent No.2 would also submit that examination-in-chief of the petitioner is over and the cross-examination is deferred pursuant to the Court order.

17. Learned Special counsel appearing for the respondent - State would submit that the allegation of the learned Senior counsel that the police officers have influenced the petitioner to be an approver when he was

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[1] ***1995 Supplement 1 SCC 80***

released on bail is ill-founded. The petitioner was released on bail on 24.10.2025 as his father died on 22.10.2025.

18. It is also submitted that application to cite the petitioner as approver is also allowed. It is the further submission that taking care of the apprehension of the accused No.2 that the petitioner is likely to be influenced or subjected to tutoring, the special arrangement is made by the Trial Court by providing escort by City Armed Reserve Police and he is being brought to the Court on a camera vigil.

19. Learned Special counsel would submit that the petitioner's prayer for release on 20 days though cannot be accepted, it can be accepted only for limited days mentioned in the application namely from 07.11.2026 to 12.11.2026.

20. The Court has considered the contentions, raised the Bar and perused the records.

21. The Apex Court in ***Suresh Chandra Bahri*** *supra* has observed that *"The dominant object of requiring an approver to be detained in custody until the termination of the trial is not intended to punish the approver for having come forward to give evidence in support of the prosecution but to protect him from possible indignation, rage and resentment of his associates in a crime whom he has chosen to expose as well as with a view to prevent him from the temptation of saving his one time friends and companions after he is granted pardon and release from the custody."*

22. To the pointed question by the Court put to the learned Senior Counsel for respondent No.2, Sri.Hasmath Pasha, fairly submitted that keeping in mind the sensitivity of the ceremony stated in the application, the petitioner can be permitted to perform the religious ceremonies concerning the first death anniversary of his father only for 5 days starting from 07.11.2026 till 12.11.2026.

23. It is the further submission of the learned Senior Counsel that petitioner's presence at his residence where the ceremonies are said to be scheduled, is not required through out the day and after the ceremonies are performed on each day the petitioner has to be brought back to the prison under the strict vigil and escort of City Armed Reserve Police.

24. It is further submitted by the learned Senior counsel that the list of the close family members of the petitioner and the priests who visit the petitioner's residence on those 5 days, must be submitted to the Trial Court as well as the prison authority and City Armed Reserve Police. It is also submitted that no other person should be allowed to visit the house of the petitioner and his family members more particularly no police officer other than City Armed Reserve Police shall be permitted to visit the house of the petitioner.

25. The Court having considered the facts narrated above and also the submissions made by the learned Senior Counsel on both sides and also the learned Special Counsel is of the view that, the petition cannot be allowed to release the petitioner for 20 days as prayed for. However, can be allowed in part, subject to the following conditions.

26. Hence, the following:

ORDER

The Criminal Petition is ***allowed- in-part.***

(i) The petitioner be released on bail for 5 days starting from 07.11.2026 to 12.11.2026 on executing bail bond before the Trial Court to the satisfaction of the Trial Court.

(ii) The petitioner shall be brought from the prison where he is in custody at around

08:00 a.m. on 07.11.2026 to his residence and immediately after the completion of the ceremony on 07.11.2026, the petitioner should be brought back to the prison where he is in custody.

(iii) From 07.11.2026 till 12.11.2026, the aforementioned procedure specified in paragraph No.(ii) shall be followed.

(iv) The petitioner shall furnish the list of family members who are attending the function and the priests who are officiating the function before the Trial Court as well as to the prison authorities and City Armed Reserve Police.

(v) The petitioner shall not communicate in any manner with police officer or any other person who is connected with the case or

any witnesses or their close relatives named in the charge sheet.

(vi) The petitioner shall not contact any person concerned with the case in any manner.

(vii) The petitioner shall be brought back to the prison before 06:00 p.m. on each day starting from 07.11.2026 till 12.11.2026.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN
LIST NO.4 SL.NO.1