HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2591 OF 2025 (U/S 14(A) (2))

BETWEEN:

1. NAYAZ
   S/O WAZEER,
   AGED 25 YEARS,
   R/AT BEHIND RAILWAY STATION,
   KAREKALLU, AMBEDKHAR NAGAR,
   GUBBI TOWN.
   TUMKUR DISTRICT-572216.

2. ABHEESH @ KAREEMA,
   S/O LATE SHIVALINGEGOWDA,
   AGED 30 YEARS,
   R/AT KOLURU VILLAGE,
   RAMUHALLI POST, KUMBALAGODU,
   BIDADI POST,
   RAMANAGARA DISTRICT,
   BENGALURU RURAL DISTRICT-562109.

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LAKSHMINARAYAN N
Location: High Court of
Karnataka

3. VENKATESH,
   S/O SHANKARA NAIKA,
   AGED 32 YEARS,
   R/AT CHAMUNDI HILL ROAD,
   9TH CROSS, BEHIND GRAVEYARD,
   MYSURU CITY-570010.
   (PRESENTLY ARE IN JC)

...APPELLANTS

(BY SRI. N HARI PRASAD.,ADVOCATE)

AND:

1. STATE BY
GUBBI POLICE STATION,
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

2. SRI. MANOJ KUMAR.G.N,
S/O LATE NARASIMHAMURTHY,
AGED 29 YEARS,
R/AT OLD A.K.COLONY,
GUBBI TOWN,
TUMKUR DISTRICT-572216.

…RESPONDENTS

(BY SMT. N ANITHA GIRISH.,HCGP FOR R1
R2 SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DTD 12.12.2025 PASSED BY THE HONBLE PRL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU IN SPL.C.NO.2877/2022 ARISING OUT OF CR.NO.131/2022 REGISTERED BY GUBBI POLICE AND ENLARGE THEM ON BAIL, FOR THE OFFENCES P/U/S 109, 120(B), 143, 147, 148, 212, 302, 201 R/W 149 OF IPC, U/S 3(2)(V) OF SC/ST ACT, U/S 3(1)(i)(2)(3)(4) OF KCOC ACT, PENDING BEFORE THE HONBLE PRL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. Appellants have preferred this appeal against the order dated 12.12.2025 passed in Spl.C.C.No.2877/2022 by the Principal City Civil and Sessions Judge, Bengaluru (for short 'the trial Court').

2. For the sake of convenience, the parties herein are referred to their rank before the trial Court.

3. Brief facts leading to this appeal are that, on the basis of complaint filed by one Manoj Kumar G.N, Gubbi Police have registered the case in Crime No.131/2022 against 5 to 6 unknown persons for the commission of offence under sections 143, 147, 148, 149 and 302 IPC. After investigation, the Investigating Officer has submitted the charge sheet against the accused for the offence under Section 109, 120(b), 143, 147, 148, 212, 302, 201 r/w, 149 of Indian Penal Code and Section 3(2)(v) of the SC/ST (POA) Act, 1989 and Section 3(1)(i), 3(2), 3(3), 3(4) of the Karnataka Control of Organised Crime Act, 2000

against accused Nos.1 to 16. The present appellants have filed application under Section 439 of Cr.P.C for regular bail. Same came to be rejected by the trial Court. Being aggrieved by rejection of bail application, appellants have preferred this appeal.

4. Learned counsel for appellants Sri N. Hari Prasad would submit that this Co-ordinate Bench was pleased to grant bail to accused No.2 in Crl.A.No.45/2024, accused No.7 was granted bail in Crl.A.No.282/2025, accused No.8 was granted bail in Crl.A.No.1143/2024, accused No.9 was enlarged on bail in Crl.A.No.1608/2022 and the trial Court has granted bail to accused Nos.10 to 16. Since the appellants are also on the same footing, they sought for grant of bail on the ground of parity. Accused Nos.3, 5 and 6 were arrested on 24.06.2022 and they were subjected to test identification on 23.08.2022 at Bellary Central Prison. It is significant to note that none including CW2, CW3 and CW54, have identified the appellants. The incident was on 15.06.2022 and statement of CW2 was recorded on

15.06.2022 and 23.06.2022, statement of CW3 and CW4 were recorded on 27.06.2022 and the delay of their examination is not explained. Hence the witnesses are not credible.

5. Based on the alleged voluntary statement, a knife without stains, was recovered from appellant Nos.2 and 3. Sofar as the appellant No.1 is concerned, the weapon was blood-stained which is not subjected to DNA analysis. There is no previous antecedent of appellant Nos.1 and 3. As per charge sheet, appellant No.2 is facing another trial, in which he has been on bail.

6. Since the date of arrest, appellants are in judicial custody. Investigation is already completed and the final report is already filed. They are not required for further investigation. The trial Court has failed to appreciate the grounds urged. Hence, it is sought for allowing this appeal.

7. As against this, the learned HCGP would submit that, in the charge sheet, it is clearly stated as to the

involvement of these accused and case has been registered against these accused under the Provisions of Section 3(1)(i), 3(2), 3(3), 3(4) of the Karnataka Control of Organised Crime Act, 2000. The trial Court has properly appreciated the materials on record and rejected the bail application. Hence, it is sought for dismissal of the appeal.

8. I have examined the materials placed before this Court. On the basis of the complaint filed by Manoj Kumar G.N, Gubbi Police have registered case in Crime No. 131/2022 against 5 to 6 unknown persons for the commission of offence under sections 143, 147, 148, 149 and 302 Indian Penal Code. After investigation, the Investigating Officer has submitted the charge sheet against the accused for the offence under Sections 109, 120(b), 143, 147, 148, 212, 302, 201 r/w, 149 of Indian Penal Code and Section 3(2)(v) of the SC/ST (POA) Act, 1989 and Section 3(1)(i), 3(2), 3(3), 3(4) of the Karnataka Control of Organised Crime Act, 2000 against accused Nos.1 to 16. In the charge sheet, it is alleged

that accused No.5 assaulted deceased Narasimha Murthy with a long near neck and caused bleeding injuries. Accused Nos.3 and 6 have assaulted to deceased Narasimha Murthy with long on abdomen of the deceased.

9. In the charge sheet, it is also stated that accused have got criminal antecedents and they have created organized crime syndicate and those accused persons have added accused No.3 and 6 to 16 to their Organised Crime Syndicate and committed the murder in question through such Organised Crime Syndicate. In the judgment at para Nos. 13 to 15, the trial Court has observed as under:

> *"13. The materials placed on record disclose that Accused Nos.2, 8 and 9 have been enlarged on bail in the present case pursuant to the orders/judgments passed by the Hon'ble High Court of Karnataka in Crl.A. Nos.45/2024, 1143/2024 and 1608/2022, respectively. Further, Accused Nos.10 to 16 have been granted bail by this Court under orders passed between 07.01.2023 and 13.09.2023. However, the accusations levelled against the accused herein, namely Accused Nos.1 and 3 to 6,*

clearly indicate that they do not stand on the same footing as the aforementioned accused who have already been released on bail.

14. The specific accusation against Accused Nos.1 and 3 to 6 is that on 15.06.2022, at about 1.00 p.m., Accused Nos.1 to 12, at Guddi Town and its surrounding areas, acting with common intention and pursuant to a criminal conspiracy and bearing prior animosity, formed themselves into an unlawful assembly. It is alleged that Accused Nos.1,2, 4, 5, 6, 7, 8, 11 and 12, with the sole intention of murdering Narasimhamurthy @ Kurimoorthy, obtained information regarding his whereabouts through mobile phone calls. Accused No.3 and others arrived from the KA-06-EJ side, armed with deadly weapons such as iron rods and reached the spot in a Pulsar two-wheeler and an XYLO car bearing registration No.KA-50-4498.

15. It is further alleged that after alighting from the vehicles and proceeding towards Narasimhamurthy @ Kurimoorthy, on noticing the accused, the said Narasimhamurthy attempted to flee but fell to the ground. When he raised his right hand to ward off the assault, Accused No.1 assaulted him with an iron rod, causing grievous bleeding injuries to his right hand, near the right ear, and near the right

eye. Thereafter, Accused No.4 attempted to strike his head with an iron rod. Accused No.5 assaulted him with an iron rod, causing bleeding injuries, and Accused No.6 assaulted him on the stomach with an iron rod, causing bleeding injuries. Accused No.3 also assaulted him on the stomach with an iron rod, causing bleeding injuries. Thus, the accused herein are alleged to be the assailants and the persons directly involved in the commission of the offence."

10. Further the trial Court has relied on the decisions of Hon'ble Supreme Court and come to the conclusion that the Court cannot conduct a mini trial so as to unearth the truth or otherwise of the allegations made in the complaint. Only on the basis of *prima facie* materials based on record, the Court has to adjudge whether to grant or reject the bail. The truth or otherwise of the allegations made in the complaint should come to light only at the time of trial.

11. On re-examination/reconsideration of the entire material on record, I do not find any factual or legal error

in the impugned order passed by the trial Court. Hence, I proceed to pass the following:

O R D E R

Appeal is ***dismissed***.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 30