

KABC010051432024



IN THE COURT OF THE PRINCIPAL CITY CIVIL AND  
SESSIONS JUDGE, AT BENGALURU

Dated this the 3<sup>rd</sup> day of May, 2025

Present: Shri Muralidhara Pai B.  
B.Com., L.L.B.  
Principal City Civil and Sessions Judge,  
Bengaluru.

**Spl.CC. No. 226/2024**

Complainant : State of Karnataka  
By Parappana Agrahara Police Station,  
Bengaluru.

[By Sri R.K. Bhat,  
Special Public Prosecutor]

De-facto Complainant : Smt.Meghana Eregowda,  
W/o. Late. Mohan,  
Aged 27 years,  
Near Pilekamma Temple,  
Mavalli, Jayanagar,  
Bangalore.

Vs.

Accused : Wilson Garden Naga & others

Applicants/  
Accused No. :3. Sunil @ Siddapura Sunil,  
S/o. Gopal,  
Aged about 34 years,

R/at No.72, Murali Colony,  
Near Pilekamma Temple,  
Siddapura, Lalbagh,  
Jayanagar I Block,  
Bengaluru – 560 035.

4. Srinivas @ Papa,  
S/o. Late Ganesh,  
Aged about 35 years,  
R/at No.1, 1<sup>st</sup> Cross,  
T.C. Palya Main Road,  
Ramamurthy Nagar,  
Bengaluru - 560 049.
5. Grace Walter @ Walter,  
S/o. late Joseph,  
Aged about 33 years,  
R/at No.23/7, 1<sup>st</sup> Cross,  
Bendrenagara, Kadirenahalli,  
Banashankari II Stage,  
Bengaluru - 560 070.
6. Kannan @ Kanna,  
S/o Rajendran,  
Aged about 29 years,  
R/at No.4,  
Venkatestwara Extension,  
Near BTMC Bus Depot,  
J. P. Nagar 8<sup>th</sup> Phase,  
Bengaluru - 560 076.
7. Velu,  
S/o. Late Rajendran,  
Aged about 28 years,  
R/at No.4,  
Venkatestwara Extension,  
Near BTMC Bus Depot,  
J. P. Nagar 8<sup>th</sup> Phase,  
Bengaluru - 560 076.

8. Arun Kumar,  
S/o. Late Nagaraju,  
Aged about 30 years,  
R/at No.9,  
Behind Court Complex,  
Pump House, Anekal Town,  
Bengaluru Rural District – 562106.
10. Pradeep @ Dasarahalli Pradeep,  
S/o. late Ravi,  
Aged about 29 years,  
R/at Dasarahalli Govt Bus Stop,  
Near Govt School, Hebbal,  
Bengaluru - 560 024.
12. Manohar @ Manu,  
S/o. Basavaraj,  
Aged about 32 years,  
R/at No. 890, 1<sup>st</sup> Main,  
1<sup>st</sup> Cross, Banashankari II Stage,  
Bengaluru - 560 078.
13. Karthik @ Gym Karthik,  
S/o. Govindaraju,  
Aged about 28 years,  
R/at No.65,  
New Millennium School Road,  
Uttarahalli, Bengaluru - 560 061.
15. Praveen @ Vale,  
S/o. Shivanna,  
Aged about 26 years,  
R/at 451, 8<sup>th</sup> Main Road,  
5<sup>th</sup> Cross, Vijayanagar,  
Bengaluru - 560 026.

(By Sri K. Ram Singh, Advocate.)

ORDER

Accused Nos.3 to 8, 10, 12 13, and 15 have maintained this common bail application under Section 439 of Cr.P.C. praying to enlarge them on regular bail in the case, in the interest of justice.

2. Learned Special P.P. has filed objection to this application.

3. This Court has issued notice of this application to the de-facto Complainant through jurisdictional police and on service of the same, she appeared before the Court and filed her objection to this bail application.

4. Heard learned Counsel for Accused Nos.3 to 8, 10, 12 13, and 15 and learned Special Public Prosecutor.

5. The following points would arise for the consideration of this Court:

1. Whether Accused Nos.3 to 8, 10, 12 13, and 15 are entitled for regular bail in the case?
2. What Order?

6. The findings of this Court on the above points are under:

Point No.1:- In the negative;

Point No.2:- As per final order;

for the following:

REASONS

7. Point No.1: Originally Parappana Agrahara Police had registered a case in Crime No. 345/2023 against one Wilson Garden Naga and others for the offenses punishable under Section 25(1AA), 25(1B)(b) of Arms Act and Sections 341, 427, 143, 147, 148, 302, 120-B and 149 of IPC in connection with murder of one Mahesh, based on a complaint lodged by Smt. Meghana Eregowda. During the investigation of the case, the Investigating Officer invoked the provisions of SC and ST (POA) Act 1989 and KCOCA Act 2000 by following due procedure. The A.C.P. Madiwala Sub-Division, Bengaluru City conducted further investigation in the case, obtained sanction for prosecution under Section 24(2) of KCOCA vide Order dated 21.01.2024 passed by the A.D.G.P. and Commissioner of Police, Bengaluru City and

then laid charge sheet against the accused persons on 29.01.2024 for the offenses punishable under the provisions of IPC, Arms Act, SC/ST Act (POA) Act and KCOC Act. Based on the prosecution papers, this Court has taken cognizance of the alleged offenses vide Order dated 26.2.2024 and registered this case.

8. The Accused herein i.e. Accused Nos.3 to 8, 10, 12 13 and 15 have maintained the present bail application praying for regular bail on the ground that they are innocent of the alleged offenses and that they have been falsely implicated in the case. They have stated that they are no way connected with the alleged incident and that they were not present in the scene of crime. They have stated that they have been framed in the case based on voluntary statements of co-accused and there is no material appearing against them, which is not admissible in law. As such they have prayed to allow the application on the ground that they are permanent residents of Bengaluru and they are ready to abide by any condition that may be imposed by the Court.

They have also stated that Accused Nos.17 to 27 are on bail in the case and prayed to extend them similar benefit on the ground of parity.

9. In their objection, the prosecution has stated that Accused No.1 is the gang leader and that he has committed the murder of the deceased with the aid and assistance of his men, who have formed an organized crime syndicate and with an intention to gain supremacy and other pecuniary advantages. They have stated that the material evidence collected in the case disclose direct involvement of Accused Nos.3 to 16 in the alleged crime and that the Investigating Agency has recovered incriminating materials apart from the statements of eye-witnesses to prima-facie prove the accusation made against the accused herein. They have stated that the grounds urged by the accused herein are not tenable and that if these accused are enlarged on bail the protection to the prosecution witnesses would be bleak and prejudice the case of the prosecution. Hence, they have prayed to dismiss the application.

10. In her objection, the de-facto Complainant has stated that she was personally present at scene of crime wherein her husband was attacked and murdered by the accused persons and that she has given statement before the police based on her personal knowledge. She has stated that the murder of her husband was committed by a group of people, who planned it in advance and that they were part of an organized group. She has stated that if this bail application is allowed, there is chance of tampering with the prosecution witnesses and also fear for her life and for the safety of her family members. She has stated that Accused No.3 lives near her residence, which is in same area and she is worried about possible retaliation or harm from him or his associates As such she has prayed to deny bail to these accused persons by taking into consideration seriousness of the crime, threat to prosecution case and impact on judicial process.

11. Undisputedly, Accused Nos.17, 22 and 24 are on bail in the case as per Order dated 10.2.2025 passed in Crl.P.

Nos.13825/2024 c/w 13837/2024 by Hon'ble High Court of Karnataka. Further, Accused No.23 is on bail as per Order of this Court dated 18.2.2025. However, it is to be noted that the accusation made against the accused herein is different from the accusation made against the accused persons who are on bail. As such the accused herein cannot claim bail in the case on the ground of parity as they do not stand on same footing as that of the accused persons on bail.

12. The case of the prosecution herein is that Accused No.1 has got murdered deceased Mahesh through Accused Nos.3 to 16 and that Accused Nos.3 to 16 were directly involved in the commission of the crime. It is case of the prosecution that Accused No.1 is the leader of an organized crime syndicate and that other accused herein are the members of said organized crime syndicate. It is alleged that the accused herein are habitually involved in criminal activities and having criminal antecedent and that they have murdered deceased Mahesh in furtherance of criminal conspiracy entered into between them and with the intention of getting pecuniary benefits by eliminating their rival gang.

13. It is the definite case of the prosecution that on 4.8.2023 at 9.30 p.m. when the deceased Mahesh got released from Central Prison, Bengaluru and left from jail in Toyota Etios bearing No. KA-05-MM-9263 along with CW-60 and CW-67 followed by other vehicles of CW-4, CW-5, CW-59 and CW-63 CW-66, Accused Nos.3 to 16 followed the deceased in their vehicles and when the deceased was just behind Hosa Road signal, Accused No.12 way-laid the vehicle of the deceased by overtaking his car bearing No. KA-05-AB-0908 and when deceased Mahesh got down from his vehicle and was attempting to run away from the spot, Accused Nos.3 to 16 indiscriminately assaulted the deceased on all over his body with the machetes in their hands and thereby committed his murder.

14. It is the case of the prosecution that Accused Nos.3 to 16 have used Innova car bearing No. KA-05-AB-0908 (Original No. KA-05-AB-2224), Innova Crysta bearing No. KA-51-AB-3852, Honda Dio bearing No. KA-01-JA-6431, Suzuki Access bearing Nos. KA-51-HX-5603, KA-05-LG-9683 and KA-05-KV-6438 and that Accused No.6 had taken photo of

deceased Mahesh and the machetes used for committing the crime and sent it to Accused No.24, which was later on deleted by Accused No.24.

15. The prosecution has claimed that they have seized the vehicles used for commission of the crime at the instance of Accused Nos.3, 5, 4, 16 and 12 and that they have recovered the weapons of the crime at the instance of Accused Nos.6 to 11, 14 and 15. It is also the case of the prosecution that they have retrieved photos of weapons, scene of crime showing deceased lying on the ground and the weapon used for committing the crime from the mobile phone of Accused No.6 apart from other photos showing the accused persons being in company of one another.

16. Apart from the above, there are several eye-witnesses to the alleged incident and circumstantial evidence as well as alleged voluntary statements/ confession statements of the accused persons to support the case of the prosecution. As such it is to be held that there are sufficient prima-facie materials on record to reasonably believe the

accusation made against Accused Nos.3 to 16 at this stage of the proceeding. It is well settled that while considering the bail application the Court cannot take up the task of weighing the materials placed on record by the prosecution. In the above circumstances, this Court holds that there is no substance in the contention of the accused herein denying lack of materials on record to support the accusation made against them or to grant regular bail to them at this stage of proceeding. For the foregoing reasons, Point No.1 is answered in the negative.

17. Point No.2: In the result, this Court proceeds to pass the following:

ORDER

The bail application filed by Accused Nos.3 to 8, 10, 12, 13 and 15 under Section 439 of Criminal Procedure Code is dismissed.

(Dictated to the Stenographer Grade-II, transcribed by her, Order corrected, signed and then pronounced by me in Open Court, on this the 3<sup>rd</sup> day of May, 2025)

(Muralidhara Pai B.)  
Principal City Civil & Sessions Judge,  
Bengaluru.