

KABC010246802025



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

Dated this the 11th day of December, 2025

Present: Sri M. Chandrashekar Reddy,
B.A., LL.B.
Principal City Civil and Sessions Judge,
Bengaluru.

Spl. C.C. No. 2147/2025

Complainant :1. The State of Karnataka,
Chhannamanakere Achukattu
Police Station,
Bengaluru.

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

2. Sri Lakshminarayanawamy,
S/o Late Muninanjappa,
Aged about 75 years,

3. Dhanalakshmi G.,
W/o Lakshminarayanawamy,
Aged about 64 years,

Both are R/at No.32,
3rd Main, 3rd Cross,
Papaiah Garden,
Banagiri Nagar,
Banashankari III Stage,
Bengaluru.

Vs.

Accused : Rahul @ Star Rahul & others

**Applicant/
Accused** :4. William @ Sonu,
S/o Prakash,
Age 23 years,
R/at Near Armugam Temple,
Opp. Cricket Ground Road,
R.R Nagar, Bengaluru.

6. Naveen Kumar @ Naveen
@ Bang Naveen,
S/o late Chandrashekar,
Aged about 24 years,
R/at No.263,
Near Shani Mahathma Temple,
Ullalu Upanagar,
Bengaluru – 560 056.

(A4 & A6 by Sri M.V. Murthy,
Advocate)

ORDER

Accused Nos.4 and 6 have filed these successive bail applications under Section 439 of Cr.P.C. praying to enlarge them on regular bail in the case.

2. The prosecution has filed separate objections to the bail applications.

3. Heard learned Counsel for Accused Nos.4 & 6 and learned Special Public Prosecutor.

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

1. Whether Accused Nos.4 and 6 are entitled for regular bail in the case?
2. What Order?

5. 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

6. **Point No.1:** Initially, Channammanakere Achukattu Police had registered the case in Crime No.34/2025 against one Rahul and his associates for the offenses punishable under Sections 2A of the Prevention of Destruction and Loss of Property Act, 1981, Section 25(1B)(b) of Arms Act and Sections 109, 3(5), 324(5), 326(f), 332(c), 351(2), 351(3) and 352 of Bharatiya Nyaya Sanhita, 2023,

based on a complaint lodged by Smt. Dhanalakshmi G., on 23.2.2025. Thereafter, during the investigation, the jurisdictional police invoked Sections 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Act in the case. Subsequently, they have also invoked Section 3 of Karnataka Control of Organized Crimes Act, 2000 in the case. Based on the prosecution papers, this Court took cognizance of the alleged offenses on 20.9.2025 and registered this case.

7. Accused Nos.4 and 6 have filed these successive bail petitions contending that they are innocent and have been falsely implicated. They assert that Accused No.3 was arrested on the basis of alleged voluntary statements of Accused Nos.1 and 2, and that Accused No.6 was arrested based on alleged voluntary statements of Accused Nos.1 to 5. They contend that no specific overt act is attributed to them and that there are no reasonable grounds to believe their involvement in the alleged crime. They submit that they are ready to abide by any conditions that may be imposed by this Court.

8. The prosecution has opposed the applications contending that these applications are not maintainable as there are no changed circumstances warranting a different view, particularly since earlier bail petitions filed by the Applicants were already rejected. It is further submitted that if the Applicants are enlarged on bail, they are likely to tamper with prosecution witnesses and may abscond, and therefore are not entitled to bail.

9. The records reveal that earlier similar bail applications filed by Accused Nos.4 and 6 were rejected. In the present petitions, the Applicants have not disclosed or explained the dismissal of their earlier bail applications.

10. The case originated on the basis of a complaint lodged by Smt. Dhanalakshmi G. In her complaint, she clearly states that on 23.02.2025 at around 12.40 a.m., Accused No.1 came to their house along with his associates, armed with deadly weapons. They damaged the windows of the ground, first and second floors, kicked the main doors and forcibly broke open the ground-floor main door and

trespassed into the house. She further states that they damaged a showcase and fish tank inside the house and assaulted her husband with a machete, causing a fracture to his left hand. She also stated that before leaving, the accused damaged vehicles belonging to her family as well as neighbours. According to her, the motive for the attack was that her daughter had distanced herself from Accused No.1 after learning about his criminal background.

11. As per the prosecution papers, on 22.02.2025 at about 11.45 p.m., Accused Nos.1 to 6 assembled in front of Sri Revanna Siddeshwara Stores in Mankalamma Layout and entered into a criminal conspiracy as members of an organized crime syndicate, apprehending that Accused No.1 would lose his influence in the locality due to his alleged "love failure." In furtherance of the conspiracy, they went near the complainant's house at about 00.40 hours on 23.02.2025 on three two-wheelers, armed with machetes, and committed the alleged acts, causing a loss of about Rs.6,00,000/-, including damage to neighbours' properties.

12. The prosecution specifically asserts that several eye-witnesses, namely CW-3 to CW-6, CW-8 and CW-9, apart from the complainant and CW-2 (injured), support the prosecution version and are competent to identify the offenders. CCTV footage from the scene of offence and other supporting material have also been collected. Therefore, at this stage, sufficient prima facie material exists to indicate involvement of the accused, and the plea of false implication cannot be accepted.

13. The report submitted by the Investigating Officer along with the objections reveals that Accused No.4 is involved in six criminal cases and Accused No.6 in five criminal cases. This clearly establishes that both accused persons have criminal antecedents and are facing allegations of involvement in serious offences.

14. The material on record indicates that the incident was not the result of any sudden provocation. On the contrary, it appears to have been a pre-planned act committed during the mid-night hours. In addition to

assaulting CW-2, the accused persons caused extensive damage to the property of the complainant and the neighbours. These circumstances reveal an intention to create fear among the victims and the residents of the locality. Thus, prima facie, the prosecution materials support the allegation that the accused acted as members of an organized crime syndicate with the aim of maintaining dominance in the area.

15. The earlier bail applications of Accused Nos.4 and 6 were rejected. The learned Special Public Prosecutor submits that, in view of the judgment of the Hon'ble Supreme Court of India, in a case ***between Virupakshappa Gouda and another Vs. State of Karnataka and another*** reported in ***(2017) 5 SCC 406***, it is laid down by the Hon'ble Supreme Court of India that, mere filing of charge sheet is not a ground to grant bail. In the said judgment, it is laid down by the Hon'ble Supreme Court of India as under:

A.Criminal Procedure Code, 1973 – Ss. 437 and 439 – Bail – Successive applications for grant of – Effect of filing of charge sheet – Nature of offence – Relevance – Honour killing - “Misconceived class honour” culminating in appellant-accused

murdering his son-in-law – Grant of bail by Additional Sessions Judge in third application finding that filing of charge sheet amounts to change in circumstance oblivious to fact that SLP filed by appellants for grant of bail was dismissed by Supreme Court – Impropriety – Quashment of such bail by High Court, affirmed.

- Held, filing of charge sheet does not in any manner lessen allegations but rather establishes that after due investigation prosecution has filed charge sheet for trial of accused persons – Additional Sessions Judge was not guided by established parameters for grant of bail and failed to consider that bail application of appellants was rejected thrice and even Supreme Court had declined to enlarge appellants on bail – Moreover, gravity of crime found on anachronistic values prompting annihilation of young life should have been taken note of while granting bail – Hence, quashment of bail by High Court, affirmed – Penal Code, 1860 – Ss. 302, 143, 147, 148, 323, 504, 114 r/w S. 149 – Crimes against Women and Children – Honour killing.

B. Criminal Procedure Code, 1973 – Ss. 437 and 439 – Bail – Grant of – Parameters for – Principles summarised. - Held, bail application cannot be allowed solely or exclusively on ground that fundamental principles of criminal jurisprudence is that accused is presumed to be innocent until found guilty by competent court nor on basis of certain observation made in different context – There must be application of mind, appreciation of factual score and understanding of pronouncements in field – Bail cannot be granted in arbitrary or fanciful manner – Where bail is granted taking into consideration irrelevant materials and keeping out relevant considerations, such order becomes vulnerable warranting annulment – Factors for

grant of bail inter alia are : (i) nature of accusation and severity of punishment in case of conviction and nature of supporting evidence; (ii) reasonable apprehension of tampering with witness or apprehension of threat to complainant; and (iii) prima-facie satisfaction of court in support of charge.

16. Thus, if the principles laid down in the aforesaid judgment are applied to the present facts of the case, while considering the bail application, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations as laid down by the Hon'ble Supreme Court of India in various judgments. So also, the Court has to keep in mind that, for the purpose of granting bail, the words used under Section 439 of Cr.P.C. is "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only

satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima-facie evidence in support of the charge. That means, It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

17. No doubt, the subsequent bail petitions are maintainable, provided there are changed circumstances. The only changed circumstance projected by the Applicants in these applications are that after the rejection of the earlier bail petitions the Investigating Officer filed the charge sheet. No doubt, during investigation the accused will not have access to the evidence collected by the Investigating Officer and therefore at that stage he may not be in a position to urge all the points in support of his plea for bail. But after filing the charge sheet, since copies of the papers produced along with the charge sheet are available to the accused he will be in a better position to urge valid and acceptable grounds for the relief of bail. Therefore, in my considered view filing of the charge sheet could provide a changed

circumstance for the accused person to file a successive bail petition.

18. However, the question to be considered is as to whether there is any circumstance which warrants taking a different view than the earlier view. In the case on hand, at the time of filing of bail petitions the Investigating Officer has filed the charge sheet. All those materials are now produced before the Court along with the charge sheet are available to the Applications at the time of filing the bail petitions. The materials produced along with the charge sheet are not different from the materials which were made available to this court at the time of disposal of the earlier bail petitions. Under these circumstances, I am of the considered view that there are no changed circumstances warranting different consideration so as to entertain these applications. Even otherwise the materials produced along with charge sheet prima-facie indicate that these accused persons have criminal antecedents. Under these circumstances I see no grounds to order enlargement of the Applicants on bail. Therefore, I hold that the Applicants are not entitled for the

relief of bail. Accordingly, Point No.1 is answered in the ***negative.***

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

ORDER

The bail applications filed by Accused Nos.4 and 6 under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 are hereby dismissed.

(Dictated to the Stenographer Grade-II directly on the computer, typed by her, then corrected and pronounced by me in the Open Court on this the 11th day of December, 2025)

(M. Chandrashekar Reddy)
Principal City Civil & Sessions Judge,
Bengaluru.