

**IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS
JUDGE BENGALURU RURAL DISTRICT, BENGALURU.**

Dated This The 8th Day Of APRIL 2026

Present: Shri.K.GURUPRASAD, B.A., LL.B.,
II Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Cri.Misc. No.556/2026

PETITIONER: Gajendra,
S/o. Mahadevappa,
Aged about 26 years,
R/at 12, Kitchen Road,
Oodipalya, Uttarahalli Hobli,
Bengaluru South Taluk,
Bengaluru – 560 082.

[Reptd.by–Sri.M.H.M,- Adv)

-Vs-

RESPONDENT: 1. State by Kaggalipura PS
[Reptd. by Public Prosecutor]
2. Yashwanth.K,
S/o. Krishnamurthy. O.B,
No. 181, Udipalya Layout,
Chudahalli Road,
Uttarahalli Hobli.

ORDERS ON BAIL PETITION

The present petition is filed u/s 483 of BNSS r/w 439 of Cr.PC requesting the court for grant of regular bail in favour of petitioner /accused No.4 in Cr.No.64/2026 of Kaggalipura police station registered for the offences punishable under section 103(1) r/w 3(5) of BNS and Section 3(1)(r)(s) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. The brief facts of the prosecution case are that the deceased Karthik belongs to Bhovi community (SC). The respondent No.2 is the brother of deceased Karthik. A conflict began on the night of on 22.02.2026, when the deceased had a verbal altercation with the accused and Bharath's father, Ramayya. During this dispute, the accused humiliated the caste of deceased and put life threat. On 23.02.2026, at approximately 06.40 pm, the accused Gajendra brought the deceased Karthik to a location near Krishna Spirit on O.B. Chudahalli Road, Udipalya, Bengaluru and abetted to commit his murder. The accused Bharath, Avinash, Nagaraj, Muthuraju and Shivaprasad attacked him with machetes and knives, resulting in fatal injuries to his head, stomach, and the severing of his left forearm. The respondent No.2 was notified of the murder by his cousin, Deepak, and on 23.02.2026 at 9.30 p.m, the respondent No.2 lodged complaint in Crime No.64/2026.

3. After issuance of notice, the respondent No.2 has appeared before the court and submitted that bail shall not be given to the petitioner and that he would adopts the objections to be filed by the learned SPP. The Learned SPP has filed objections to the bail petition.

4. Heard counsel for the petitioner and learned SPP. Perused the petition, objections and court records.

5. The following points arise for my consideration and determination:-

1. Whether there are sufficient grounds to grant regular bail to the accused No.4 in Cr.No.64/2026 of Kaggalipura police station?
 2. What order?
6. My answers to the above points are as under:-
- Point No.1 - In the Negative
 - Point No.2 - As per final order
for the following

REASONS

7. **Point No.1:** The counsel for accused No.4/petitioner has submitted that the accused No.1 to 3 have narrated the name of the petitioner and based on this allegation, the respondent police had included the name of the petitioner in FIR. But the petitioner is no way connected to the above crime. It is further submitted that there is no eye witness in the above case. The accused No.4 was arrested on 26.02.2026 but as per letter of intimation shown as accused No.4 was arrested on 22.02.2026. The alleged crime was committed only on 23.02.2026. Hence on this ground alone, the petitioner is liable to be released on bail. It is further submitted that on 26.02.2026 at about 1.45 p.m, PI had arrested the petitioner and brought to respondent police at about 2.30 p.m, but police records are silent that how and at which place the petitioner was arrested. The complaint is totally silent about in what manner and what is the relationship or business transaction or enmity or role or preparations to kill the victim. As per the complaint, the petitioner was not present at the crime spot. There is no mens

rea or actus riuus on part of the petitioner. There is no occasion for the petitioner to kill the victim. It is further submitted that the petitioner is in judicial custody even though he has not committed any offences as alleged. The allegations made in the complaint and FIR are so absurd and inherently improbable. It is further submitted that the petitioner family has strong roots and good reputation in the society. The petitioner is innocent and law abiding citizen. There is no complaint, FIR or charge sheets pending against him. It is further submitted that the petitioner is ready to furnish surety to the satisfaction of this court for his regular appearance and he will not abscond and is also ready to abide by any conditions imposed by this court. Hence the petitioner has requested to release him on regular bail.

8. On the other hand, learned SPP has opposed grant of regular bail in favour of petitioner and submitted that there are no sufficient grounds for grant of regular bail in favour of the petitioner and as such, the petitioner is not entitled for regular bail. It is further submitted that if the petitioner is released on regular bail, the petitioner may abscond and tamper with the witnesses and destroy the evidence. It is further submitted that if the petitioner is released on regular bail, he may repeat the offences and may abscond and remain absent before the court on the court hearings. Therefore, learned SPP prayed to reject the bail petition.

9. In **(2005) 8 SCC 21 (State of Uttar Pradesh through CBI and Amaramani Tripathi)**, Hon'ble Supreme court

held that "It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail.

10. If facts and circumstances of this case and materials on record are considered in light of above principles of law, it is clear that there are sufficient grounds to believe that the petitioner / accused No.4 has committed an offence punishable with death or life imprisonment. It is because, the investigation is still in progress and the Investigating Officer has recovered blood stained cloths and weapons on the voluntary statement of the accused. It is turned out in investigation that the accused No.4 was present at the scene of offence, but the specific role and involvement of accused No.4/ petitioner is to be ascertained only after completion of investigation. If the petitioner / accused No.4 is released on bail at this stage, he may threaten the prosecution witnesses including respondent No.2 and may destroy the evidence and thereby adversely affect the investigation. He may also abscond and may not be available for investigation. The offences alleged against the petitioner are heinous offences against the single unarmed deceased and as such it is just and proper at this stage to release accused No.4

on bail till completion of investigation. Therefore, there are no sufficient grounds for grant of regular bail to the accused No.4/ petitioner in this case till filing of charge sheet. Hence, I answer point No.1 in the Negative.

11. **POINT No.2:** In view of my finding on point No.1, I proceed to pass the following order:

ORDER

The bail petition is rejected.

(Dictated to the stenographer directly on system, typed by her, thereof corrected by me and then pronounced this the 8th day of April 2026).

(K.GURUPRASAD)
II Addl. Dist. & Sessions Judge,
Bengaluru Rural District, Bengaluru.

**ORDER PRONOUNCED IN THE OPEN COURT VIDE
SEPARATE ORDER**

ORDER

The bail petition is rejected.

(K.GURU PRASAD)
II Addl. Dist. & Sessions Judge,
Bengaluru Rural District, Bengaluru.