

KARN010001862026



**IN THE COURT OF THE I ADDL. DIST & SESSIONS JUDGE,  
RAMANAGARA**

**PRESENT:**

**Smt. M. Panchakshari, M.Com.,LL.B,  
I Addl. Dist. & Sessions Judge, Ramanagara.**

**Dated this the 1<sup>st</sup> day of April, 2026**

**Crl.Misc.No.60/2026**

Petitioner/

Accused No.2 :

Sikandar,  
S/o.Munna,  
Aged 41 years,  
Occp: Labourer,  
Islampura Village,  
1<sup>st</sup> Street, Near the house  
of Iqbal, Nelamangala Taluk,  
Bengaluru Rural District.

**(By Sri.K.V.K., Advocate)**

**Vs.**

Complainant :

1) The State  
by Kudur P.S.

**(By Public Prosecutor,)**

2) Sri. Nataraju,  
S/o.Kumara,  
Aged 32 years,  
Basavanahalli Village,  
Nelamangala Taluk,  
Bengaluru District.



**ORDER ON BAIL PETITION FILED UNDER SECTION**  
**439 of Cr.P.C**

The petitioner/accused No.2 had filed this petition U/Sec.439 of Cr.P.C., praying to grant bail in connection to (Spl.C.No.1/2021) Cr.No.258/2020 of Kudur Police Station for the offences punishable under Sections 302 of IPC, 1860 and Section.3(2)(v) of SC & ST (Prevention of Atrocities) Amendment Act-2015.

2. The petitioner by reiterating the contentions in the first information report has contended that, he has not committed any such offence as alleged in the case and he is innocent person. The accused is in judicial custody since from 07.10.2020 i.e., from the past 5 years. The investigation having completed and filed the charge-sheet on 05.01.2021 in Spl.Case No.1/2021 which is pending before this court. The petitioner had filed the bail petition before the Hon'ble High Court of Karnataka in Crl.A.No.348/2023 and the same came to be dismissed as per the order dated:13.03.2023 on the ground that, if the prosecution fails to secure the presence of CW1 i.e.,



complainant before the trial court and record his evidence within a period of 4 months, in Spl.C.No.1/2021 which is registered against him, the petitioner is at liberty to file a fresh bail petition. The prosecution had examined 9 witnesses and the CW1 having chief-examined on 20.07.2023 and later, the court had issued non-bailable warrant and he had been not produced before the court so, proclamation having issued against the CW.1, but CW1 failed to appear before the court. On 31.12.2025 CW1/PW6 having appeared before the court and his chief examination is completed. The offence alleged against the petitioner is not punishable with death or imprisonment for life and triable by this court. The petitioner is the permanent resident of the address shown in the cause title, having movable and immovable properties so, there no chance of absconding from the process of the court. The petitioner is having good character and he hails from respectable family and do not have any criminal antecedents. He is having aged mother who is suffering from age old ailments and he is having responsibility to take care of his aged mother and also he having wife and children who entirely depending upon his



income and he is the only earning member of his entire family. If the petitioner is enlarged on bail, he is ready and willing to abide by any conditions that would be imposed by this court and also appear before the court on all hearing dates without fail and also furnish surety to the satisfaction of this court. Hence, prayed to release on bail by allowing the petition.

3. The Learned Public Prosecutor has filed the objections by reiterating the allegations in the prosecution's story and contended that, there are sufficient materials to make out the commission of the alleged offence by the petitioner so, he is not entitled for release on bail. The grounds urged on behalf of the petitioner is only with sole intention to granting the bail. The father and the younger sister of the deceased examined as P.W.9 and P.W.10 respectively and they have deposed that the deceased was in love with the daughter of accused No.1. They have further stated that on two earlier occasions the deceased had taken her away and on both occasions the family members of accused No.1 traced her and brought her back and



warned the deceased not to come in contact with their daughter, but as the deceased continued his relationship with the CW17 i.e., the daughter of accused No.1, the accused persons took the deceased with an assurance that his marriage with their daughter would be performed and thereafter committed his murder. They have stated in detail regarding the said incident in their evidence. The earlier bail petition of the petitioner in Crl.Misc.No.150/2021 came to be dismissed as per the order of this court dated:06-03-2021 and also all the bail petitions filed by the other accused before this Court had been rejected. Further, the petition filed by accused No.4 before the Hon'ble High Court of Karnataka in Criminal Appeal No.413/2025 was also dismissed as per the order dated:10-07-2025. There is no any changing circumstance in the present petition. The offence alleged against the petitioner is a heinous offence of murder, which is punishable with death or imprisonment for life. So, if the petitioner is released on bail, there is every chances of he tampering the prosecution witnesses and thereby hampering the investigation and also threatening



the prosecution witnesses. Hence, prayed for dismissal of the bail petition.

4. Heard the learned counsel for the petitioner and also the learned Public Prosecutor for the State.

5. The following points arise for court consideration;

1) Whether the petitioner/accused makes out sufficient grounds for his enlargement on bail Sec.439 of Cr.P.C.?

2) What order?

6. The findings of this court on the above points are as under;

Point No.1:- In the **Affirmative**.

Point No.2:- As per the final order for the following;

**REASONS**



7. **Point No.1**:- On going through the documents produced by the petitioner it clearly shows that the respondent police have registered the case against the petitioner for the offence punishable under Section 302 & 506 of IPC, 1860 and U/Sec.3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act-2015 and after thorough investigation had filed the charge sheet against the accused persons.

The allegations against the petitioner is that, on 06.10.2020 at about 08.00 a.m., the accused persons went near the house of the deceased Laxmipathi and brought him by assuring that his marriage with C.W.17 would be performed. Thereafter, they took him to Ranganatha Bar at Basavenahalli, where they made him consume alcohol. The accused Nos.1 to 3 along with C.W.1 and the deceased, travelled in an auto brought by Accused No.4 and took the deceased to a Land situated near the edge of Eere Betta near Kanakenahalli village and at about 11.30 a.m., under a banyan tree situated in the said land, the accused again made the deceased to consume alcohol and thereafter picked up a quarrel with



him and assaulted him with their hands and pushed him to the ground. When Accused Nos.2 and 4 held the hands and legs of the deceased, Accused Nos.1 and 3 removed the waist belt worn by the deceased and strangled his neck and also banged his head against the ground and committed the murder of Laxmipathi. The accused persons had also given life threat to the eye-witness CW1 present at the spot if he discloses about the incident to anyone.

8. The petitioner herein being accused No.2 had sought for his enlargement on bail and now after 5 years of dismissal of bail petition on 06.03.2021 in Criminal No.150/2021. It is contented by the petitioner that, he had been falsely implicated in the case and allegations made against him are all false and far from truth. It is because of personal vengeance, he had been made as accused in the case. Kudur police having filed the charge sheet for the offence punishable under Section 302 & 506 of IPC, 1860 and U/Sec.3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act-2015. Now the material witnesses had already been examined i.e. the



complainant who being the brother of the deceased as well as his sisters. It is argued on behalf of the accused that, when Criminal Appeal came to be filed on behalf of accused No.4 in Criminal Appeal No.348/2023, the appeal came to be dismissed on the ground that there is threat to CW1 so, at this stage if the appellant is enlarged on bail he may try to influence or threaten said witness which may hamper the case of the prosecution. Since CW1 is a star witness and the prosecution is mainly relying on his evidence at this stage the appellant is not entitled for bail. However it is the duty of the prosecution to secure the presence of CW1 before the court to adduce evidence, the appellant/accused cannot be detained in judicial custody for an indefinite period considering that the appellant is in judicial custody from 18.02.2020, liberty is reserved to the appellant to file fresh petition if CW1 is not secured by the prosecution and not examined before the court within a period of 4 months. CW1 having remained absent continuously and also as a prosecution having stated that missing complaint having registered against him, before the lapse of 4 months as referred in



above Criminal Appeal, on the last day of expiry of the 4 months presence of CW1 is secured.

9. The counsel on behalf of the petitioner had relied on **Reportable judgment in Criminal Appeal No.3173/2024** by the **Hon'ble Supreme Court of India in Jalaluddin Khan Vs. Union of India**, the Hon'ble Apex Court has held that, "When a case is made out for a grant of bail, the courts should not have any hesitation in granting the bail. The allegation of the prosecution may be very serious. But, the duty of the Courts is to consider the case for grant of bail in accordance with law. "Bail is a rule and jail is an exception" is a settled law. Even in the case referred in the citation, when grounds are made out and when once a case is made out for grant of bail, the court cannot decline bail. If the court starts denying bail in deserving cases, it will be a violation of rights guaranteed under **Article 21 of the Constitution**.

10. Here in this case, as a heinous offence of Section 302 of IPC is involved in the case, at the earlier instance the bail petition of accused Nol.2 had been



dismissed. Now at this stage, the complainant who being the brother of the deceased, his father and both his sisters had already been examined. Accused is in judicial custody since from 2020, now almost 6 years had lapsed. Keeping the accused in judicial custody should not be by way of punishment.

11. The petitioner had also produced the certified copy of the order sheet in Special Case No.1/2021, whereby in the month of December 2025, bailable warrant to PW9 and summons to CW15 had been issued. It is the contention of the petitioner that, he is having aged parents who are suffering from age related diseases. He has a responsibility of maintaining his parents and also his wife and children. So considering this fact, as the material witnesses had already been examined, the accused tampering the rest of the witnesses is very remote. Hence, considering all these facts, as the petitioner had undertaken to abide by any condition that would be imposed by this Court and appear on all hearing dates, this Court is of the opinion that if stringent conditions are imposed, it will meet the objections raised



by the Learned Public Prosecutors. In the circumstance, I hold the above point in **Affirmative**.

12. **Point No.2**:- In view of the discussions made supra, this court proceeds to pass the following;

### **ORDER**

The bail petition filed by the petitioner/accused No.2 U/Sec.439 of Cr.P.C., is hereby allowed.

Petitioner/accused No.2 is enlarged on bail in connection to Kudur Police in Spl.C.No.1/2021 (Cr.No.258/2020) on he executing his personal bond for a sum of Rs.2,00,000/- with two sureties to the satisfaction of the Court, subject to the following;

### **CONDITIONS**

1) The petitioner/accused No.2 shall appear before the court regularly on all the dates of hearing without fail.



2) The petitioner/accused No.2 shall not threaten or entice the complainant and other prosecution witnesses in any manner.

3) The petitioner/accused No.2 shall not indulge in any such criminal activity.

4) The petitioner/accused No.2 shall not change or leave the abode without prior permission of the court.

5) The petitioner/accused No.2 shall furnish his permanent address proof.

6) The petitioner/accused No.2 shall not make his move in and around the residence vicinity of complainant and his family members

7) In the event of his absence on any one of the hearing date without prior proper representation seeking exemption if any, his bail bond will automatically stands cancelled.

(Dictated through Aadalath AI to the Steno Grade-III, thereafter transcribed by her and after corrections, printout taken and then pronounced and signed by me in the open Court, on this the **1<sup>st</sup> day of April, 2026**).

**(M. Panchakshari)**  
**I Addl. Dist. & Sessions Judge,**  
**Spl. Judge, Ramanagara.**