



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 168 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

1. DARSHAN D
S/O DHAMODAR,
AGED ABOUT 20 YEARS,
R/O CENTERING WORK,
R/O 5TH CROSS, HOSAMANE,
BHOVI COLONY, BHADRAVATHI TALUK,
SHIVAMOGGA-DISTRICT-577301.
2. SANAJAY, S/O MANJUNATH
AGED ABOUT 20 YEARS,
R/O D.NO. 393, C.N. ROAD,
ANNANAGAR OLD TOWN, OPPOSITE,
BHADRAVATHI TOWN-577301,
SHIVAMOGGA-DISTRICT.

...PETITIONERS

(BY SRI. HALLI SHANTAPPA BASAPPA., ADVOCATE)

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signed by
PAVITHRA
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Location:
High
Court of
Karnataka



AND:

1. THE STATE OF KARNATAKA
HOSMANE POLICE STATION,
BHADRAVATHI-TOWN CIRCLE,
SHIVAMOGGA-577301,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,

BENGALURU-01

...RESPONDENT

(BY SRI. RANGASWAMY R, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE/RELEASE THE PETITIONERS/ACCUSED NOS.7 AND 10 ON BAIL, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 103, 189(2), 189(4), 191(2), 191(3), 190, 238, 54 OF BNS, 2023 (CR.NO.91/2025) PENDING ON THE FILE OF LEARNED IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT SHIVAMOGGA, SITTING AT BHADRAVATHI IN SC.NO.5046/2025.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. This petition has been filed by the petitioners, who are arrayed as accused Nos.7 and 10 in Crime No.91/2025 registered by the respondent/police seeking for regular bail for the offences punishable under Sections 103, 189(2), 189(4), 191(2), 191(3), 190, 238 and 54 of Bharatiya Nayay Sanhita, 2023 pending on the file of the learned IV Additional District and Sessions Judge at Shivamogga, sitting at Bhadravathi in SC No.5046/2025.

2. The case of the prosecution is that one Deepak alias Sanna Kosu s/o Sharavana, lodged a complaint stating that one Promod, who is known to him, called him over the phone at about 09.30 p.m. and informed him that his elder brother, Arunkumar was assaulted by Sachin, Arun, Kumar, Kanda and others with a knife, causing injuries. He and his friends got him admitted to the hospital at Bhadravathi, and later, he was shifted to Mc.Gann Hospital, Shivamogga, for better treatment. On receiving the said information, the complainant, along with



his sister and mother, went to the Mc. Gann Hospital, wherein he was informed that his brother died due to the said assault. On enquiry, he was informed that on 05.05.2025, around 05.00 p.m., a quarrel had taken place between the deceased and his friend, one Vishwanath, and also the accused No.1/Sachin when they were playing cricket. On the same day at about 08.30 p.m, accused No.1/Sachin and his friends came behind Mariamma temple, where the deceased and others were consuming alcohol. The deceased/Arunkumar, was caught by the accused No.2 to talk about the scuffle which had taken place in the cricket ground. When the deceased went to have a talk about the said issue, all the accused surrounded him and assaulted him brutally, causing severe injuries. Thereafter, he was admitted to the hospital for treatment. The overt act of the accused has been explained by the friend of the complainant. Accordingly, it has been written in the complaint thereafter. Based on the said complaint, the



respondent/police registered crime as stated supra for the offences as stated supra. After conducting the investigation, they submitted the charge sheet.

3. The submission of the learned counsel for the petitioners is that the petitioners are innocent of the alleged offences. The allegations made against the petitioners are that they instigate other accused to commit murder of the deceased in connection with the scuffle which had taken place between accused No.1 and his friends in the cricket ground. However, the other accused, who are similarly placed, have been enlarged on bail by the coordinate Bench of this Court. Therefore, the present petitioners are also standing on the same footing. Hence, they may be released on bail on parity. Making such submissions, he prayed to allow the petition.

4. Per contra, the learned High Court Government Pleader for the respondent/State vehemently submitted that the allegations made against the petitioners that they



instigated/conspired with the other accused to commit the murder of the deceased. Accordingly, they intentionally arrived at the spot with deadly weapons and committed the murder of the deceased. There are eyewitnesses to the incident. If the petitioners are enlarged on bail, there may be chances of them threatening the prosecution witnesses. Hence, it is not appropriate to grant bail. Making such submissions, he prayed to reject the petition.

5. Having heard the learned counsel for the respective parties and on perusal of the averments of the charge sheet, it appears from the record that the petitioners are arrayed as accused Nos. 7 and 10. The overt acts against the present petitioners are that both the accused have instigated the other accused to commit murder of the deceased. Moreover, the coordinate Bench of this Court granted bail to the accused Nos. 2, 3, 5 and 8, who have been enlarged on bail. Considering the said aspects, it is appropriate to grant them bail by imposing suitable conditions that would take care of the



apprehension of the prosecution. Hence, I proceed to pass the following:

ORDER

i) The petition is allowed.

ii) The petitioners/accused Nos.7 and 10 are granted bail in Crime No.91/2025 registered by the respondent/police seeking for regular bail for the offences punishable under Sections 103, 189(2), 189(4), 191(2), 191(3), 190, 238 and 54 of Bharatiya Nayay Sanhita, 2023 pending on the file of the learned IV Additional District and Sessions Judge at Shivamogga, sitting at Bhadravathi in SC No.5046/2025 on the following conditions:

a) The petitioners/accused Nos. 7 and 10 shall execute a personal bond for a sum of Rs. 1,00,000/- each with one surety each for the like sum to the satisfaction of the jurisdictional Court.



- b) The petitioners/accused Nos. 7 and 10 shall not tamper with the prosecution witnesses either directly or indirectly.
- c) The petitioners/accused Nos. 7 and 10 shall appear before the Trial Court on all dates of hearing unless exempted by the Court and cooperate for the speedy disposal of the case.
- d) The petitioners/accused Nos. 7 and 10 shall not indulge in the commission of any offences.

In case the petitioner violates any of the conditions stated supra, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

BKM
List No.: 1 Sl No.: 4