

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.60 OF 2026

BETWEEN:

NAVEEN KUMAR @ NAVEEN @ BANG NAVEEN
S/O LATE CHANDRASHEKAR,
AGED ABOUT 24 YEARS,
R/AT NO.263, NEAR SHANI MAHATHMA TEMPLE,
ULLALU UPANAGAR, BENGALURU-560056

...APPELLANT

(BY SRI TIGADI VEERANNA GADIGEPPA, ADV.)

AND:

1. STATE OF KARNATAKA BY
CHHANNAMANAKERE ACHUKATTU P.S.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001

2. SRI. LAKSHMINARAYANASWAMY
S/O LATE MUNINANJAPPA,
AGED ABOUT 75 YEARS,

3. SMT. DHANALAKSHMI G
W/O LAKSHMI NARAYANASWAMY
AGED ABOUT 64 YEARS,

RESPONDENTS NO.2 AND 3 ARE
R/AT NO.32, 3RD MAIN, 3RD CROSS,
PAPAIAH GARDEN, BANAGIRI NAGAR,
BANASHANKARI III STAGE,
BENGALURU CITY-560085

...RESPONDENTS

(BY SRI. R.K. BHAT, SPL. PP FOR R1,
V/O DTD: 12/2/26 - R2 PRESENT BEFORE COURT,
SRI. D.S. LINGARAJA GOWDA, ADV. FOR R3.)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER DTD 11.12.2025 ON BAIL APPLICATION FILED BY THE ACCUSED NO.6/ APPELLANT U/S 483 OF BNSS, 2023, PASSED BY THE HON'BLE PRINCIPAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 26.02.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. The appellant/accused No.6 has preferred this appeal against the order dated 11.12.2025 passed in Special C.C No.2147/2025 by the Principal City Civil and Sessions Judge, Bengaluru (for short 'the trial Court').
2. Brief facts leading to this appeal are that, on the basis of the complaint filed by Smt. Dhanalakshmi.G, Channammanakere Achukattu Police have registered case in Crime No.34/2025 against accused No.1 and his Associates for the commission of offence under section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, section 25-1(B)(b) of the Arms Act, 1959 and sections 109, 3(5), 324(5), 326(f), 332(c), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

3. During the course of investigation, the Investigating Officer has arrested the present appellant/accused No.6 and produced before the Court and he has been remanded to judicial custody. Till this day, the accused is in judicial custody.

4. After investigation, the Investigating Officer has submitted charge sheet against accused Nos.1 to 6 for the commission of offence under sections 3(1)(r), 3(2)(v), 3(1)(s), 3(2)(va), 3(2)3 of the SC and ST (Prevention of Atrocities) Act, 1989, section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, section 25-1(B)(b) of the Arms Act, 1959 and sections 109, 3(5), 324(5), 326(f), 332(b), 351(2), 351(3), 352, 61(2) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1)(i), 3(4) of the Karnataka Control of Organized Crime Act, 2000.

5. The accused had filed application under Section 483 of BNSS, 2023. Same came to be rejected by the Principal City Civil and Sessions Judge, Bengaluru. Being aggrieved by the rejection of bail, appellant has preferred this appeal.

6. Sri R.K. Bhat, learned Special Public Prosecutor appointed by the State under KCOCA Act has filed written objection to the appeal, in which it is stated that, the Criminal appeal seeking bail by accused No.6 is contrary to true facts of the case. The appellant has not approached the Court with clean hands and concealed material facts in the appeal. Hence, the petition is liable to be dismissed.

7. The accused No.6-the appellant filed a Criminal Miscellaneous No.2351/2025 before the special court under section 483 of BNSS, 2023, which was heard on merits and was dismissed by the special court constituted under the KCOCA Act. Later the accused No.6-appellant filed another successive bail application before the special court suppressing the rejection of the bail petition, against the guidelines of the Hon'ble Supreme Court. The said bail petition was devoid of changed circumstances and bereft of cogent reasons and the same was rejected on 11.12.2025.

8. The facts of the case in nutshell is that the first informant and her daughter-in-law were sleeping in the

first floor of the house whereas the respondent No.2, the husband of first informant, was sleeping in the ground floor of their house. The accused No.1 viz. Rahul was the associate of the accused No.6. On 23.02.2025 at 12.40 am, the accused came to the house of the first informant with deadly weapons to enquire the daughter of the first informant namely Ms. Mamatha, who was kept out of reach of the accused No.1, *interalia* the appellant and the other accused came to the house and damaged the house committed criminal mischief by committing larking house trespass by breaking open the door of the first floor as well as the ground floor and assaulted the Lakshminarayana Swamy with an intention to commit his murder who narrowly escaped from assault, however sustained grievous injury to his left hand. After lodging complaint, the Police have registered the case and after obtaining prior approval from the competent authority, invoked the provisions of KCOCA Act in this case and having the completed the investigation, after getting the sanction, charge-sheet was placed before the special court for the offences shown therein.

9. During the investigation the material evidence collected, reveal the fact that the offence committed is an organized crime under the leadership of the accused No.1. who formed organized crime syndicate in which the appellant-accused No.6 is the member of the said organized syndicate and committed the offence of the organized crime. All the material ingredients of the offence and the other offences enumerated in the charge-sheet has been made out in the case.

10. The offence of organized crime was circumscribed with the issue of the rejected love affair of Mamatha with the accused No.1 and it is an offence against the women, forcefully compelling her to marry him, which was opposed by the parents of Mamatha. Being enraged, the accused No.1-Rahul formed the organized crime syndicate with the aid and assistance and active participation of the other accused including the appellant-accused No.6 have committed heinous offence against the complainant and her husband. Hence, the appeal is devoid of reasons to consider and liable to be dismissed.

11. Further, it is submitted that, the offences against women are increasing in galloping speed and curbing the same is a challenging factor and violence against women is also an organized crime since the definition of the organized crime is broad enough including the violence, intimidation, coercion and other advantages. The accused No.6-appellant with other accused, comes under the ambit of organized crime since the criminal act of accused No.6 is to be constrictively construed along with other accused, as accused No.6-appellant has involved in number of criminal offences and 5 heinous offences punishable for more than 3 years and cognizable offence within the preceding ten years of this case, was against the appellant.

12. The material incriminating evidence was recovered from the room of the appellant-accused No.6 and submitted PF No.23/2025 to the Court.

13. The confession statement of the accused No.6 was also recorded under Section 19 of KCOCA Act who as confessed the crime before the DCP, East Division,

Bengaluru. All necessary requirements under the provision of Section 19 of the KCOCA Act, was followed while recording the confession and the procedure thereafter.

14. The material evidence collected in this case, makes out the reasonable grounds to believe that the accused No.6 was a member of the organized syndicate and committed organized crime and huge damage was caused to the complainant as well as the their neighbours. The horrendous and gruesome act of organized crime committed by the appellant and the gang, has caused and created panic in the minds of the victim and also the surrounding area which was to claim supremacy and undue advantages to compel the victims of the crime to surrender their daughter-Mamatha. It is against the fabric of civilized society which has not accepted and not in practice. Hence, the appeal filed by the appellant-accused No.6 deserves to be dismissed.

15. Further it is stated that, the Hon'ble Supreme court in JAYSHREE KANABAR v. STATE OF MAHARASTRA AND OTHERS reported in (2025) 2 SCC 797, has held that

when there is an embargo in provision of the special act i.e., Section 22(4)(b) of KCOCA Act, the bail application is liable to be dismissed. In the appeal, that the grounds urged are untenable in law and there is no necessity of the name of the appellant in the First Information Report, is not a ground to consider the bail application. Respondent No.3 has filed a memo stating that she has no objection to grant bail and Respondent No.2 has filed a written statement. On all these grounds, sought for dismissal of the appeal.

16. The learned counsel appearing on behalf of the appellant would submit that accused No.6 is innocent and the complainant-Police have falsely implicated him in this case. Accused No.6 was neither directly or indirectly involved in the commission of offence as alleged against him. The investigation is already completed. The name of the appellant is not forthcoming in the FIR. Based upon the voluntary statement of the co-accused, accused No.6 was implicated by the respondent No.1-Police. There are serious allegations against accused Nos.1, 2 and 4, who have assaulted the respondent No.2, armed with machetes

and committed the alleged act, causing the loss of about Rs.6,00,000/- to the complainant including damages to the neighbour's properties.

17. The allegation against the accused No.6 is that, he was involved in conspiracy with co-accused and thereby gave support to accused No.1. Except such allegation, there are no other incriminating materials placed by the prosecution. As per column No.7 of the charge sheet, the accused No.6 did not go to the alleged place and had assembled with co-accused in front of Arch at Kengeri Upanagara. Hence, there are no allegations against the accused No.6 for assaulting the complainant.

18. Further, he submitted that absolutely there are no materials to constitute the offence under the provisions of KCOCA Act. It is also submitted that accused No.6 also belongs to Scheduled Caste. Hence, the penal provisions under the provisions of SC and ST (POA) Amendment Act, 2015, are not applicable to Accused No.6.

19. CW1-Complainant and CW5-daughter of CW1 have appeared before the Court and submitted that they have

no objection to grant bail. Absolutely there are no *prima facie* materials to constitute the alleged offence. Hence, sought to allow the appeal. To substantiate his argument, he relied on the following judgments:

- (1) RANJITSING BRAHMAJEETSING SHARMA v. STATE OF MAHARASHTRA AND ANOTHER - (2005)5 SCC 294;
- (2) STATE OF MAHARASHTRA v. JAGAN GAGANSINGH NEPALI @ JAGYA AND ANOTHER - 2011(5) Mh.L.J. 386.

20. The learned Special Public Prosecutor has reiterated the averments made in the statement of objection. To substantiate the argument, he relied on the following judgments:

- (1) ABHISHEK v. STATE OF MAHARASHTRA AND ANOTHER reported in (2022) 8 SCC 282;
- (2) ZAKIR ABDUL MIRAJKAR v. THE STATE OF MAHARASHTRA AND OTHERS reported in (2023) 20 SCC 408;
- (3) NILESH ANAND PAWAR v. THE STATE OF MAHARASHTRA reported in 2024 SCC OnLine Bom 1621;

- (4) KAVITHA LANKESH v. STATE OF KARNATAKA AND OTHERS reported in (2022) 12 SCC 753;
- (5) JAYSHREE KANABAR v. STATE OF MAHARASHTRA AND OTHERS reported in (2025) 2 SCC 797.

21. Having heard the arguments on both sides and on perusal of the materials placed before this Court, the following points would arise for my consideration:

- (1) Whether the appellant has made out grounds to interfere with the impugned order passed by the trial Court?
- (2) What order?

22. My answer to the above points are as under:

Point No.1 in the Negative.

Point No.2 - As per final order.

23. I have examined the materials placed before this Court. On the basis of the complaint filed by Smt. Dhanalakshmi G, Channammanakere Achukattu Police have registered the case in Crime No.34/2025 against one Rahul-accused No.1 and his associates for the

commission of offence under section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, section 25-1(B)(b) of the Arms Act, 1959 and sections 109, 3(5), 324(5), 326(f), 332(c), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

24. After investigation, the Investigating Officer has submitted charge sheet against accused Nos.1 to 6 for the offence under sections 3(1)(r), 3(2)(v), 3(1)(s), 3(2)(va), 3(2)3 of the SC and ST (Prevention of Atrocities) Act, 1989, section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981, section 25-1(B)(b) of the Arms Act, 1959 and sections 109, 3(5), 324(5), 326(f), 332(b), 351(2), 351(3), 352, 61(2) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1)(i), 3(4) of the Karnataka Control of Organized Crime Act, 2000.

25. During the course of investigation, the accused No.6 who is the appellant in this case, was arrested and was produced before the Principal City Civil and Sessions Judge, Bengaluru in Special CC No.2147/2025. Bail

application was filed under Section 439 of Cr.P.C. read with 483 of BNSS, 2023. Same came to be rejected.

26. As per prosecution papers, on 22.02.2025 at around 11.45 pm, accused 1 to 6 assembled in front of Sri Revansiddeshwara 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 act, causing a loss of about Rs.6,00,000/- including damage to neighbours properties.

27. On careful examination of the entire material on record, it is clear that the prosecution specifically asserts that several eye-witnesses viz., CW3 to CW6, CW8 and CW9, apart from the complainant and the injured CW2, supports the prosecution version and are competent to identify the offenders. CCTV footage from the scene of

offence and other supporting materials have also been collected.

28. Considering all these materials, the trial Court has rightly come to the conclusion that there exists *prima facie* materials to indicate involvement of the accused, and the plea of false implication cannot be accepted. The trial Court has also observed that the Accused No.6 is involved in 5 criminal cases, which establishes that the accused No.6 has criminal antecedent and is facing allegations of involvement in serious offences.

29. Respondent No.3 - Smt. Dhanalakshmi G who is the complainant has filed a memo, stating that she has no objection to grant bail. CW1- Smt. Dhanalakshmi G, is not an injured, but, she has witnessed the incident and filed the complaint. Though she has no objection to grant bail, on the basis of her statement, the accused is not entitled for bail.

30. In paragraphs 17 and 18 of the judgment, the trial court has observed as under:

"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.**"*

31. On careful re-examination of the entire material on record, I do not find any legal or factual error in the impugned order passed by the Principal City Civil and Sessions Judge, Bengaluru. Hence, I proceed to pass the following:

ORDER

The appeal is **dismissed**.

**Sd/-
(G BASAVARAJA)
JUDGE**

DHA