



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 1614 OF 2026

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

BETWEEN:

1. SRI GANGARAJA N G
S/O. NARAYANSWAMY,
AGED ABOUT 27 YEARS,
R/AT. HIREKARAPANAHALLI VILLAGE,
BANGARPET TALUK,
KGF-563 114.
2. SRI BALAKRISHNA
S/O. LATE NAGARAJ,
AGED ABOUT 23 YEARS,
PRESENTLY R/AT. BYADABELE DINNE,
BANGARPET TALUK,
KGF-563 114
PERMANENT
R/AT MARADAHALLI,
BANGARPET TALUK,
KGF-563 114

...PETITIONERS

(BY SRI. RAGHAVENDRA A V.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE POLICE OF BUDIKOTE POLICE STATION,
KGF DISTRICT REPRESENTED BY STATE PUBLIC
PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BANGALORE-560 009

...RESPONDENT

(BY Smt.ASNA KOUSER, ADDL.SPP)





THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE /RELEASE THE PETITIONERS /ACCUSED NOS.1 AND 2 ON BAIL IN S.C.NO. 159/2025 WHICH IS REGISTERED IN CRIME NO.42/2025 FOR AN ALLEGED OFFENCE PUNISHABLE UNDER SECTION 310(2) OF THE BHARATIYA NYAYA SANHITA ACT OF 2023 PENDING ON THE FILE OF THE LEARNED HONBLE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT KOLAR THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, KOLAR (SITTING AT KGF) HAS REJECTED BAIL PETITION ON 20.01.2026 IN SC.NO.159/2025.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

The petitioners are arrayed as accused Nos.1 and 2 before this Court seeking regular bail in Crime No.42/2025 filed by the respondent/police for the offences punishable under Sections 310(2) of Bharatiya Nyaya Sanhita, 2023 pending in SC No.159/2025 on the file of the learned III Additional District and Sessions Judge, Kolar.

2. The case of the prosecution is that on 20.05.2025, the complainant lodged a written complaint before the respondent-Police stating that he is running a granite business at Sulagiri, Tamil Nadu. It is alleged that



he had loaded granite stones/blocks at **Vaddahalli** Village, Mulabagilu Taluk, for transporting the same to a crusher unit through two lorries. While the said lorries were proceeding, the complainant was travelling in his car ahead of them.

3. At about 12.45 a.m., one of the lorry drivers, by name Pawan, telephoned the complainant and informed him that some persons had stopped the lorry. Immediately, the complainant rushed to the spot and found four to five persons present there along with a motorcycle. One of them demanded the complainant to show the permit for transporting the granite and insisted him to pay a sum of Rs.10,000/-. When the complainant refused to pay the said amount, one of the accused allegedly snatched his mobile phone and transferred a sum of Rs.3,000/- through Google Pay to a mobile number standing in the name of N.G. Gangaraj.



4. It is further alleged that at about 2.30 a.m., the driver of the other lorry, by name, Ranganath, informed the complainant over phone that when he reached Gajaga Village, his lorry was also stopped and money was demanded. The complainant reached the spot at about 2.40 a.m., where two persons were present along with the same motorcycle. It is alleged that they transferred a sum of Rs.1,000/- from the complainant's mobile phone to the mobile number standing in the name of Gangaraju through Google Pay, and also transferred a sum of Rs.700/- from the mobile phone of the driver, Ranganath. Thereafter, the complainant lodged the complaint before the respondent-Police.

5. The respondent - Police have registered a case and conducted the investigation and submitted the charge sheet.

6. The learned counsel for the petitioners submits that the petitioners are innocent of the alleged offences



and they have been falsely implicated in the present case. It is further submitted that no Test Identification Parade has been conducted during the course of investigation, even though, they are strangers to the complainant.

7. It is further submitted that, the petitioners are aged about 27 years and 23 years respectively. They are the permanent residents of Hirekarapanahalli village, Bangarpet Taluk and Byadabele Dinne, Bangarpet Taluk respectively. They will abide by the conditions to be imposed by this Court in the event of their release. Making such submissions, he prays to allow the petition.

8. Per contra, the learned Additional State Public Prosecutor for the respondent/State vehemently submitted that the petitioners are involved in a heinous offence. It is further submitted that they robbed the complainant as well as the lorry drivers and transferred the amounts through Google Pay to the account of accused No.1. It is further submitted that, based on the details of the



monetary transactions the petitioners were apprehended by the respondent-Police. Merely because Test Identification Parade has not been conducted, the offences committed by the petitioners cannot be absolved. Moreover, the accused No.1 had received amount from the complainant through Google Pay. Therefore, it is not appropriate to grant the relief as prayed for. Making such submissions, she prays to reject the petition.

9. Heard the learned counsel for the respective parties, and perused the averments of the charge sheet. It appears from the records that accused Nos.1 and 2 and others are alleged to have committed the robbery, threatened the complainant, and forcibly got the amount transferred to the account of accused No.1 through Google Pay. The present petitioners are arrayed as accused Nos.1 and 2. It is alleged that accused No.1 received a sum of Rs.3,000/- and Rs.1,000/- from the complainant through Google Pay. However, there is no specific allegation or material on record indicating the involvement of petitioner



No.2/accused No.2 in the said transaction. Moreover, whether he was present at the spot or not has not been proved through proper identification. Therefore, it is appropriate to grant bail to accused No.2.

Hence, I proceed to pass the following:

ORDER

- i) The petition is ***allowed in part.***
- ii) The petition in respect of accused No.1 is rejected.
- iii) The petition in respect of accused No.2 is allowed.
- iv) The petitioner No.2/accused No.2 is ordered to be enlarged on bail in Crime No.42/2025 filed by the respondent/police for the offences punishable under Sections 310(2) of Bharatiya Nyaya Sanhita, 2023 pending on the file of the learned III Additional District and Sessions Judge, Kolar on executing personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Trial Court.



v) The petitioner No.2/accused No.2 shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.

vi) The petitioner No.2/accused No.2 shall appear before the Trial Court on all hearing dates without fail.

vii) The petitioner No.2/accused No.2 shall not indulge in any criminal cases till disposal of the case.

In case, the petitioner No.2/accused No.2 violate any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

BKM
List No.: 1 Sl No.: 9