



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO. 202 OF 2026 (U/S 14(A) (2))

C/W

CRIMINAL APPEAL NO. 128 OF 2026

IN CRL.A No. 202/2026

BETWEEN:

SHASHIKUMAR. K. M. @ SHASHI
S/O. MUNIYAPPA,
AGED ABOUT 27 YEARS,
R/AT. KANAGALA VILLAGE,
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT.

...APPELLANT

(BY SRI. K VISHWANATHA.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
MASTHI POLICE STATION,
KOLAR DISTRICT.

REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU-560 001.

2. SRI. DINESH KUMAR. B,
S/O. BABU. K.V,
AGED ABOUT 26 YEARS,
R/AT. TEKAL VILLAGE,





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CRL.A No. 202 of 2026
C/W CRL.A No. 128 of 2026

MALUR TALUK, KOLAR DISTRICT.

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER PASSED BY THE HONBLE II ADDL. DISTRICT AND SESSIONS JUDGE, AT KOLAR IN SPL.SC.NO.19/2025 DATED 26.12.2025 AND ENLARGE THE APPELLANT ON BAIL IN SPL.SC.NO.19/2025 ARISING OUT OF CR.NO.130/2025 OF MASTHI P.S., FOR THE OFFENCES P/U/S 103(1),109(1),190,238 OF BNS, 2023, U/S 3(2)(v) OF SC/ST (POA) ACT, PENDING ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, AT KOLAR.

IN CRL.A NO. 128/2026

BETWEEN:

MR. VINAY S B
S/O BEERESH
AGED ABOUT 19 YEARS
R/AT KANAGALA VILLAGE,
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 130.

...APPELLANT

(BY SRI. THILAKRAJ S.V.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MASTHI. P.S, KOLAR.
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560 001.
2. MR. DINESH KUMAR B
S/O BABU. K. V
AGED ABOUT 26 YEARS
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 130.



NC: 2026:KHC:21968
CRL.A No. 202 of 2026
C/W CRL.A No. 128 of 2026

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, AT KOLAR DTD 26.12.2025 IN SPL.SC.BNS AND SC/ST NO.19/2025 AND ENLARGE THE APPELLANT ON BAIL IN CR.NO.130/2025 REGISTERED BY THE MASTHI P.S., KOLAR, FOR THE OFFENCES P/U/S 103(1),109(1),238 R/W 190 OF BNS, 2023, U/S 3(2)(v) OF SC/ST (POA) ACT, 1989, PENDING ON THE FILE OF THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, AT KOLAR IN SPL.SC.NO.19/2025.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

Criminal Appeal in Crl.A.No.202/2026 is filed by the accused No.2 and Criminal Appeal in Crl.A.No.128/2026 is filed by accused No.6 in Crime No.130/2025, registered by the Masti Police Station, Kolar for the offences punishable under Sections 103(1), 109(1), 238 R/w Section 190 of BNS and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015 ('SC & ST (POA) Act' for short), being aggrieved by the order dated 26.12.2025 passed in Spl.S.C.BNS and SC/ST.No.19/2025 on the file of II



Additional District and Sessions Judge, Kolar (hereinafter referred to as 'the Trial Court'), by which the trial Court had rejected the applications filed by them under Section 483 of BNSS.

2. Case of the prosecution is that a complaint dated 07.08.2025 came to be filed by one Dinesh Kumar alleging that he had received information from his friend one Srikanth at 09.30 p.m. stating that some person had assaulted his brother Rakesh, and causing injuries on his head and accordingly when the complainant was proceeding towards the spot, he learnt that someone had carried his brother in an ambulance to Jalappa Hospital, as such he went to Jalappa Hospital. He was informed at the hospital that his brother Rakesh had succumbed to the injuries on the way to the hospital. At that time one Karthik-CW.5 of his village also came to said hospital with injuries all over his body. Upon enquiry, the said Karthik-CW.5 had informed him that when deceased Rakesh and said Karthik-CW.5 had gone to the hotel, certain persons had picked up quarrel, of whom one Govindaraju assaulted said Karthik-CW.5 with a long on his head and back and also assaulted Rakesh on his head and neck, due to which said Rakesh had



fallen down to the ground while said Karthik-CW.5 managed to run away.

3. Based on the said complaint, a case in Crime No.130/2025 on 08.08.2025 at 00.15 hours was registered for the aforesaid offences. Pursuant to the said complaint, investigation was undertaken and the respondent No.1-Police arrested accused No.1- Govindaraju on 11.08.2025, accused No.2-Shashi Kumar appellant in Crl.A.No.202/2026 was arrested on 13.08.2025, accused No.3-Prabhakar was arrested on 23.09.2025, accused No.4-Akash was arrested on 13.08.2025, accused No.5-Guruprasad was arrested on 13.08.2025, accused No.6-Vinay appellant in Crl.A.No.128/2026 was arrested on 13.08.2025 and accused No.8-Hemanth Kumar was arrested on 14.08.2025 and their statements were recorded.

4. The prosecution has cited 83 witnesses of whom Kiran-CW2, Prabhakar-CW3 and Shivaraj-CW4 are cited as eyewitnesses. Karthik the injured witness has been cited as CW.5.



5. The accused Nos.2 and 6, who are the appellants herein had filed applications seeking grant of regular bail which by the impugned orders have been rejected by the trial Court, resulting in filing of the present appeals.

6. Learned counsel for the accused Nos.2 and 6- appellants herein submit that though the incident had taken place on 07.08.2025, the statement of injured witness Karthik-CW.5 was recorded on 17.09.2025. Statement of eyewitnesses Prabhakar-CW3 was recorded on 10.08.2025, while statements of Kiran-CW2 and Shivaraj-CW4 were recorded on 01.09.2025. That neither the injured witness nor the said eyewitnesses have spoken anything about the involvement of the accused Nos.2 and 6 in the entire incident. The names of the accused Nos.2 and 6 have surfaced only when recording the statement of injured witnesses Karthik-CW.5 on 17.09.2025, i.e., after 40 days of the incident, even the said witness, who has taken the name of the accused Nos.2 and 6 has not spoken anything about overtact attributable to accused Nos.2 and 6. That mere recovery of a two wheeler and mobile from the accused No.6, based on his voluntary statement is insufficient. That accused



Nos.2 and 6, who are innocent have been roped in the matter by the prosecution without any material against them.

7. It is further submitted that the Co-ordinate Branch of this Court has already granted bail in respect of accused No.8- Hemanth Kumar. That even on the principle of parity, accused Nos.2 and 6, who are similarly situated, shall also be granted similar benefit.

8. Learned HCGP, on the other hand submits that though the eyewitnesses Kiran-CW2, Prabhakar-CW3 and Shivaraj-CW4 have not spoken about any overtact, the injured witness-Karthik-CW.5 has specifically taken the names of accused Nos.2 and 6. In that, he has spoken about accused No.2 blocking the way of the deceased, facilitating the assault by accused No.1 and accused No.6 has been watchful of the movement of the victim. Thereby has facilitated indicating a larger conspiracy amongst the accused persons. Hence seeks for rejection of the appeals.

9. Heard and perused the records.



10. Contents of the complaint dated 07.08.2025 as noted above indicate that complainant being the brother of deceased Rakesh has filed the said complaint based on the information given to him by the injured witnesses Karthik-CW.5, who had come to the hospital for treatment. There is no mention of the names of accused Nos.2 and 6 in the complaint except stating four unknown persons had attacked the deceased and the injured witness Karthik-CW.5.

11. Eye witnesses namely Kiran-CW5, Prabhakar-CW3, Shivaraj-CW4, have given identical statements, in that they have specifically referred to the assault inflicted only by accused No.1-Govindaraju on the head of deceased Rakesh as well as CW.5-Karthik and the said eye witnesses have not taken the names of accused Nos.2 and 6.

12. It is only in the statement of the injured witness, namely Karthik-CW.5, recorded on 17.09.2025, there is a mention of names of accused No.2 and 6. In the said statement, specific reference to the involvement of accused No.2 is as under:



"ಗುರು ಪ್ರಸಾದ್ ಬಾಗಿಲಲ್ಲಿ ನಿಂತಿದ್ದ ನಂತರ ಶಶಿಕುಮಾರ್ ಬಂದು ನನ್ನ ಸ್ನೇಹಿತ
ಕಿರಣ್‌ನನ್ನು ಹೊರಗೆ ಕರೆದ ಕಿರಣ್ ಹೊರಗಡೆ ಬಂದು ಶಶಿ ಜೊತೆ ಮಾತನಾಡುತ್ತಿದ್ದ."'

13. As regards the involvement of accused No.6, his name is only mentioned along with other accused persons referring to alleged previous enmity. Except this, there is no averments or allegation against accused Nos.2 and 6 even by injured witness Karthik-CW.5.

14. Thus, there is no whisper of any overtact in entire chargesheet attributable to the accused Nos.2 and 6.

15. The Co-ordinate Bench of this Court taking note of the contents of the charge sheet, while considering the application of accused No.8 has opined that no overtact was attributed to accused No.8 in the charge sheet and the statement of the witnesses and accordingly granted the bail.

16 The accused Nos.2 and 6 have been under confinement from the date of their arrest. Charge sheet has been filed. Their custodial interrogation is not required anymore. In the light of the aforesaid facts and contents of the charge sheet and the statement of the witnesses as noted



above, this Court deems it appropriate that the accused Nos.2 and 6 shall also be given similar benefit. According, following:

ORDER

1. Criminal appeals are ***allowed***;
2. The impugned order dated 26.12.2025 passed in Spl.S.C.BNS and SC/ST.No.19/2025 on the file of the II Additional District and Sessions Judge, Kolar is set aside.
3. The accused Nos.2 and 6/appellants shall be enlarged on bail subject to the following conditions;
 - (a) Accused Nos.2 and 6/appellants shall execute personal bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) each with two sureties each for the likesum, to the satisfaction of the jurisdictional Court;
 - (b) Accused Nos.2 and 6/appellants shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;
 - (c) Accused Nos.2 and 6/appellants shall not directly or indirectly threaten or tamper with the prosecution witnesses;
 - (d) Accused Nos.2 and 6/appellants shall not involve in similar offences in future;



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(e) Accused Nos.2 and 6/appellants shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them are disposed off.

(f) Communicate copy of this order to the trial Court and concerned Prison authorities forthwith.

SD/-
(M.G.S. KAMAL)
JUDGE

RL
List No.: 1 SI No.: 24