



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. 1934 OF 2026 (439(Cr.PC) /
483(BNSS))

BETWEEN:

SRI CHETHAN

S/O. RAJEGOWDA,

AGED ABOUT 24 YEARS,

R/AT. VADEYARAHOSAHALLI VILLAGE,

HUNSUR TALUK,

MYSURU – 570 009

...PETITIONER

(BY SRI. NISHIT KUMAR SHETTY., ADVOCATE)

AND:

STATE OF KARNATAKA

BY STATION HOUSE OFFICER,

BILIKERI POLICE STATION,

Digitally
signed by
SREEDHARAN
BANGALORE
SUSHMA
LAKSHMI

Location: High
Court of
Karnataka



MYSURU

REPRESENTED BY

STATE PUBLIC PROSECUTOR,

HIGH COURT BUILDING,

BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE
PETITIONER ON REGULAR BAIL IN S.C.NO.5032/2025
(CR.NO.161/2025) OF BILIKERI P.S. MYSURU REGISTERED
AGAINST HIM FOR THE OFFENCE P/U/S 103(1) OF BNS
PENDING ON THE FILE OF VIII ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU, SITTING AT HUNSUR, IN THE
INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. The petitioner/accused No.1 is before this Court seeking for grant of regular bail in S.C.No.5032/2025 (arising out of Crime No.161/2025 filed by the respondent - Police) pending on the file of VIII Additional District and Sessions Judge, Mysuru for the offence under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

Brief facts of the case:

2. The case of the prosecution is that the complainant and her husband are the owners of the land bearing Sy.Nos.12/1 and 12/2 at Vadayarahosalli Village, Hunsur Taluk. There was a dispute between the cousins in respect of the said land. The deceased Mallesh is the elder brother and Rajegowda is the younger brother. The present petitioner is son of the younger brother. The petitioner and his sister Chaitra had filed a suit before the Civil Judge and JMFC, Hunsur and the matter was pending for adjudication between the parties. There was a mango tree in the disputed land and every year, the deceased used to harvest the said mangoes and used to sell them. On 18.05.2025 around about 09.00 a.m., the deceased and his



family members had harvested the mangoes and they were carrying the said mangoes. At that time, the present petitioner and others restrained the complainant and the deceased and others asked them to share the mangoes. The deceased was trying to over power them and also assaulting the petitioner and others. In the meantime, the petitioner herein assaulted with knife and caused injuries. Immediately, the deceased was shifted to the hospital. However, he was declared as brought dead.

3. On receiving the complaint, the respondent-police have registered a case, conducted investigation and submitted the charge sheet.

4. Heard Sri.Nishit Kumar Shetty, learned counsel for the petitioner and Sri. Rangaswamy R., learned High Court Government Pleader for respondent-State.

5. It is the submission of the learned counsel for the petitioner that, the deceased used to harvest the mangoes and also dominating the petitioner and others. The deceased was not allotting the land properly. There was a civil dispute between the deceased and the petitioner in respect of the



disputed land. When the matter is pending for consideration, the deceased had played a predominant role and dominated the petitioner and harvesting the mangoes without sharing the mangoes to the petitioners and others.

6. It is further submitted that when the petitioner and others were seeking justice and also share of mangoes, the deceased assaulted the petitioner and others and trying to over power them.

7. It is further submitted that no doubt, the entire case is based on circumstantial evidence. However, a single blow has been caused to the deceased. The said single blow would indicate that the incident had occurred at the spur of the movement and the petitioner had no intention to commit the murder of the deceased. Hence, the petition may be allowed and he may be enlarged on bail by imposing suitable conditions. Making such submissions, he prays to allow the petition.

8. *Per contra*, the learned High Court Government Pleader for respondent-State vehemently submitted that the petitioner and others with an intention to commit the murder of the deceased, restrained the family members of the deceased



and assaulted them indiscriminately. The petitioner herein, with intention to commit a murder, took the knife and stabbed on the vital parts of the body. As a result of which, the deceased had died. There is a clear intention and motive to commit the murder. Therefore, it is not appropriate to grant him bail. If the petitioner is enlarged on bail, there may be chances of committing similar offence or there may be chances of threatening the prosecution witnesses. Hence, it is not appropriate to grant him bail. Making such submissions, he prays to reject the petition.

9. Having heard the learned counsel for the respective parties and perused the averments of the charge sheet, it appears that the deceased and the petitioner are members of the same family. There is a dispute between the deceased and the petitioner in respect of Sy.No.12/3, measuring 5 guntas of land. The suit was filed by the petitioner in respect of the said land and it was pending for consideration before the Civil Judge, Hunsur for adjudication.

10. In the meantime, the deceased was harvesting the mangoes and he was carrying the said mangoes without giving



share to the petitioner and others. When it was asked by the petitioner and others, there was a quarrel between the deceased and the petitioner. The deceased had assaulted the family members of the petitioner herein. So, it appears that the incident had occurred at a spur of moment.

11. Having considered the facts and circumstances of the case, without advertent to the merits of the case, I am of the considered opinion that the petitioner has made out a case for grant him bail.

12. Hence, I proceed to pass the following:

ORDER

(i) The petition is ***allowed.***

(ii) The petitioner is enlarged on bail in S.C.No.5032/2025 (arising out of Crime No.161/2025 on executing a personal bond for a sum of Rs.1,00,000/- with one (01) surety for the like sum of the satisfaction of the Trial Court.



(iii) The petitioner shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.

(iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(v) The petitioner shall not involve in any criminal cases till disposal of the case.

In case, if the petitioner violates 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

NR/-
List No.: 1 SI No.: 20