



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

CRIMINAL PETITION NO. 2149 OF 2026

BETWEEN:

SOMESH @ SOMA
S/O MUNIYAPPA
AGED ABOUT 52 YEARS
R/A NO.53/1, 13TH CROSS,
SARAKKI MAIN ROAD,
MUNIYAPPA GARDEN,
1ST PHASE, BANGALORE
CITY, KARNATAKA.

...PETITIONER

(BY SMT. ABHINAYA .K., ADVOCATE)

AND:

STATE OF KARNATAKA
REP. BY KAGGALIPURA P.S.
REPRESENTED BY STATE PUBLIC
PROSECUTOR, KARNATAKA HIGH
COURT BUILDING, AMBEDKAR
VEEDHI, BANGALORE - 560001

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO ENLARGE HIM ON BAIL IN S.C.NO.190/2024 ARISING
OUT OF CR.NO.415/2023 OF KAGGALIPURA P.S. NOW PENDING ON
THE FILE OF THE HONBLE 9TH ADDL.DISTRICT AND SESSIONS,
BENGALURU RURAL FOR THE OFFENCE P/U/S 302, 201 OF IPC.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA





ORAL ORDER

The petitioner - accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.P.C., in Crime No.415/2023 of Kaggalipura Police Station, pending in SC.No.190/2024 on the file of the learned IX Additional District and Sessions, Bengaluru Rural, registered for the offences punishable under Sections 201 and 302 of the Indian Penal Code (for short 'IPC') on the basis of the first information lodged by the informant Sri. Lokanath.

2. Heard Smt. Abhinaya. K., learned counsel for the petitioner and Sri. Rangaswamy. R, learned HCGP for the respondent - State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

*"Whether the petitioner is entitled for
grant of bail under Section 439 of Cr.P.C.?"*

My answer to the above point is in 'Affirmative' for the following:



REASONS

4. The petitioner being accused No.1 is seeking grant of bail. He was apprehended on 16.03.2024 and since then he is in judicial custody.

5. Initially, the informant lodged the first information stating that he found a dead body of a male with injuries, covered with bed sheet and plastic. The FIR came to be registered against unknown persons for the offence punishable under Sections 302 and 201 of IPC. As per post-mortem report, the death was due to strangulation.

6. During investigation, accused Nos.2 and 3 were apprehended and their confessional statements were recorded. Since accused No.1 could not be traced, abscondance charge sheet came to be filed against him. It is only thereafter, the petitioner was apprehended and subjected to interrogation. It is stated that, when the Police went to apprehend the petitioner, he tried to assault the Policemen on duty with dagger, upon which the petitioner was shot on his legs and later he was apprehended.



7. It is the contention of the prosecution that, the petitioner along with accused No.2 strangled the deceased with cable wire and caused his death. Later with the help of accused No.3, dead body was shifted, stuffed in bag and thrown on the tank bund at Kaggalipura, Kanakapura Road and thereby committed the offences as stated above. It is pertinent to note that, CW.7 is an important circumstantial witness, who stated that he had seen accused No.1 in the house of the deceased, where incident is said to have occurred on 05.12.2023.

8. It is stated that, PW.1 is the informant who had seen the dead body and filed the first information upon which the FIR came to be registered. PWs.2 and 3 are the mahazar witnesses, PW.4 is the wife of the deceased, PW.5 is the relative of the deceased who identified the dead body, PW.6 is the friend of the deceased. The evidence of none of these witness connect the petitioner to be offence in question.

9. It is stated that, statement of PW.7 was recorded before the learned Magistrate under Section 164 of Cr.P.C, where he categorically stated regarding circumstance when he



saw the deceased in the company of the accused. But he has not chosen to support the case of the prosecution when he was examined before the learned Magistrate. Prosecution is at liberty to proceed against PW.7, if he has given a go-by to his statement under Section 164 of Cr.P.C, while deposing before the Court.

10. It is stated that the incriminating materials were recovered at the instance of accused Nos.2 and 3, and they are already enlarged on bail. It is further stated that, the other witnesses who are required to be examined before the Trial Court are either inquest or mahazar witnesses or official witnesses. Under such circumstance, I am of the opinion that, no purpose would be served by detaining the petitioner in custody.

11. It is stated that the petitioner was a rowdy sheeter having several criminal cases registered against him. Considering the said fact and also in view of the statement of CW.7, now examined as PW.7, CrI.P.No.5960/2024 filed by the petitioner came to be dismissed vide order dated 18.07.2024. But, now under the changed circumstance the petitioner is



entitled to be enlarged on bail, as his detention in custody would amount to infringement to his right to life and liberty. Hence, I am of the opinion that the petitioner is entitled to be enlarged on bail subject to conditions, which will take care of the apprehension expressed by the learned High Court Government Pleader.

12. Accordingly, I answer the above point in the 'Affirmative' and proceed to pass the following:

ORDER

The petition is ***allowed.***

The petitioner - accused No.1 herein is ordered to be enlarged on bail in Crime No.415/2023 of Kaggalipura Police Station, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioner shall not commit similar offences.
- b). The petitioner shall not threaten or tamper with the prosecution witnesses.
- c). The petitioner shall appear before the Court as and when required.



If in case, the petitioner violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioner, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the documents furnished by the petitioner and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner on bail.

SD/-
(M G UMA)
JUDGE

PNV
List No.: 1 Sl No.: 3