



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

**CRIMINAL PETITION No. 11616 OF 2025 (439(Cr.PC) /
483(BNSS))**

BETWEEN:

1. VISHWANATHA T M ALIAS VISHWA
S/O. MANJAPPA. N
AGED ABOUT 27 YEARS
PRESENT ADDRESS:
AVARAGERE SHEKRAPPA BADAVANE
1ST MAIN, 5TH CROSS
DAVANGERE – 577 003.

PERMANENT ADDRESS:
AK COLONY, ATTIGERE – VILLAGE
MAYAKONDA HOBLI
DAVANAGERE TALUK AND DISTRICT – 577 514.

...PETITIONER

(BY SRI SHREERAJ S, ADVOCATE FOR
SRI CHAKRAVARTHY T S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY VIDAYA NAGAR POLICE STATION
DAVANAGERE
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE -560 001.

...RESPONDENT

(BY SMT. PUSHPALATHA B ADDL. SPP)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER/SOLE ACCUSED ON BAIL IN CR.No.64/2025 IN VIDYANAGAR P.S. DAVANAGERE ON FILE OF THE HONOURABLE 1ST ADDL. CIVIL JUDGE (SR.DN.) AND JMFC AT DAVANAGERE, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 309(6), 311, 61(1) OF BNS, 2023.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.3 under Section 483 of BNSS praying to grant bail in Crime No.64/2025 of Vidyanagar Police Station, Davanagere registered for offence under Sections 238, 309(6), 311, 61(2) of BNS.

2. Heard learned counsel for petitioner and learned Additional SPP for respondent/State.

3. Learned counsel for petitioner would contend that there is no active role of this petitioner in commission of robbery and murder in the house of his relative. The petitioner is stated to be present when accused Nos.1 and 2 talked and made a plan for robbery in the house of



relative of accused No.2. The petitioner is stated to have received some of the robbed articles which are recovered from his possession. The petitioner is a law student. The petitioner is in judicial custody since 25.03.2025 and therefore, he is not required for custodial interrogation as the charge sheet is filed. There are no criminal antecedents of the petitioner. With this, he prayed to allow the petition.

4. *Per contra*, learned Additional SPP would contend that from the possession of this petitioner, two bangles weighing 13.87 grams and 14.74 grams have been recovered. The petitioner was present when accused Nos.1 and 2 made a plan to commit robbery in the house of relative of accused No. 2. The charge sheet materials show prima-facie case against the petitioner. With this, she prayed for rejection of the petition.

5. Having heard the learned counsels, this Court has perused the charge sheet and other materials placed on record.



6. As per case of the prosecution, this petitioner/accused No.3 is the son of accused No.2. Accused No.2 is in contact with the accused persons who are lodged in jail, as he is assisting them to furnish sureties. Accused Nos. 1 and 2 made a plan for robbery in the house of relative of accused No.2. At the time of said plan, the petitioner is stated to be present in the house. As per the said plan, accused No.1 went to the house of CW4, assaulted her with a flower pot 5 to 6 times and when she became unconscious, he robbed gold, silver and cash. Accused No.1 has shared the said robbed articles with accused No.2. Accused no. 2 has shared the said articles with accused No.3. The learned Additional SPP submits that after filing the charge sheet CW.4/injured died and post mortem has been conducted wherein Doctor has opined that cause of death is due to COMA and septicemia as a consequence of head injury. There is recovery of golden bangles at the instance of this petitioner/Accused No.3. The petitioner was not present on the spot at the



time of the incident. The accusation against this petitioner is that he was present when accused Nos.1 and 2 made a plan to rob the house of CW.4 and he received the robbed articles from accused No.2. Accused no. 2 in his voluntary statement has stated that he and accused No.1 about 3 months ago had committed theft of Hundi in the temple and after break opening the said Hundi, shared the amount with accused No.1.

7. The petitioner is son of accused No.2 and he is stated to be a law student. Considering the fact that he is not having any active involvement in the plan and as he is a law student and as the charge sheet is filed, the petitioner has made out a case for grant of bail with conditions. In the result, the following:

ORDER

The petition is allowed. The petitioner/accused No.3 is granted bail in Crime No.64/2025, Vidyanagar Police Station, Davanagere, subject to following conditions:



- (i) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for the like-sum to the satisfaction of the trial Court.
- (ii) Petitioner shall not tamper the prosecution witnesses either directly or indirectly.
- (iii) Petitioner shall attend the trial Court on all dates of hearing unless exempted and co-operate for speedy disposal of the case.
- (iv) Petitioner shall not commit any offence. If he commits any offence, then the prosecution is at liberty to seek cancellation of his bail.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 14
Ct.sm