



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.16004 OF 2025

BETWEEN:

1. KISHOR K @ LADDU
S/O LATE KUBENDRA RAO
AGED AOUT 22 YEARS
R/AT NO.8/3, III BLOCK
6TH CROSS, RAJAJINAGARA
BENGALURU-560 010.
2. AJITH S
S/O SHIVALINGA
AGED ABOUT 24 YEARS
R/AT NO.145, 1ST CROSS
6TH BLOCK, RAJAJINAGAR
BENGALURU -560 010.

...PETITIONERS

(BY SRI. A.N. RADHAKRISHNA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY TAVAREKERE POLICE
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU -560001

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP)





THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THEM ON BAIL IN CRIME NO.302/2021, OF TAVAREKERE POLICE FOR OFFENCES PUNISHABLE UNDER SECTIONS 302, 394, 324 R/W SECTION 34 OF INDIAN PENAL CODE AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the State.

2. The learned counsel for the petitioners seeks for the bail in favour of accused Nos.2 and 3 who are the petitioners herein on the ground of parity stating that this Court in Crl.P.No.7169/2025, granted the bail in favour of accused No.4 who is also placed similarly as that of these petitioners referring paragraph 19 of the judgment of the Apex Court in the case of **JFAVED GULAM NABI SHAIKH v. STATE OF MAHARASHTRA AND ANOTHER** reported in **2024 SCC ONLINE SC 1693** without discussing the matter on merits.

3. The learned counsel appearing for the State would vehemently contend that all the accused have shared the



common intention. Though accused No.1 inflicted injury on the deceased, but all the accused have participated in the crime. Hence, the question of parity does not arise.

4. Heard the learned counsel appearing for the respective parties and also perused the material on record. In view of the submission of the learned counsel for the petitioners, this Court has to take note of the judgment of the Apex Court in the case of **KUMER SINGH VS. STATE OF RAJASTHAN AND ANOTHER** reported in **(2021) 6 SCJ 227** wherein in paragraph 14, the Apex Court held that the Court has to take note of common intention and common object of the accused persons in the incident and cannot segregate the intention of each of the accused persons. However, considering the averments made in the charge-sheet produced before this Court, it discloses that the overt act allegation against these petitioners that they have caused simple injury to CW1 to CW6 and not against the person who lost the life. When such material is available before the Court, there is a force in the contention of the counsel for the petitioners that these petitioners are also entitled for bail on the ground of parity.



Having considered the nature of the injuries caused by these petitioners which are mentioned in the charge-sheet in column No.17 as simple in nature, the petitioners are entitled for bail on the ground of parity.

5. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioners/accused Nos.2 and 3 shall be released on bail in connection with Crime No.302/2021 of Tavarekere Police Station, Magadi Sub-Division, Ramanagar District registered for the offences punishable under Sections 302, 394, 324 read with Section 34 of IPC, subject to the following conditions:

- (i) The petitioners shall execute their personal bond for a sum of Rs.1,00,000/- each with two sureties each for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioners shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioners shall appear before the jurisdictional Court on all the future hearing



dates, unless exempted by the Court for any genuine cause.

- (iv) The petitioners shall not leave the jurisdiction of the Trial Court without prior permission of the Court till the case registered against him is disposed of.

Sd/-
(H.P.SANDESH)
JUDGE

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