

(2026) 08 KAR CK 2066
In the Karnataka High Court, Bengaluru Bench
Case No : CRIMINAL PETITION NO. 9775 OF 2026

Prashantha V @ Appu

APPELLANT

Vs

State By Ramamurthynagar Police Station

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

BNS, 2023 — Sections 103(1), 109, 118(2), 3(5)
BNSS, 2023 — Section 483

Citation : (2026) 08 KAR CK 2066

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Smt. N. Padmavathi, Smt. Rashmi Jadhav

Final Decision : Allowed

Judgement

Accused No.1 in SC No.211/2025, pending before the Court of IV Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, arising out of Crime No.412/2024 registered by Ramamurthy Nagara Police Station for offences punishable under Sections 103(1), 109, 118(2) r/w. Section 3(5) of BNS, 2023, is before this Court, in the successive bail application filed under Section 483 of BNSS, 2023, seeking regular bail.

2. FIR in Crime No.412/2024 was registered by Ramamurthy Nagara Police Station, Bengaluru against Shekhar and others, based on the first information dated 20.07.2024 received from Annamalai, who is the father of deceased Manoj. During the course of investigation of the case, petitioner was arrested on 22.07.2024 and remanded to judicial custody. After completing investigation, charge sheet is filed against 6 persons and petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the Trial Court was earlier rejected and therefore, he had approached this Court in Criminal Petition No. 9883/2025, which was dismissed as withdrawn on 17.11.2025, with liberty to renew his bail application after the injured eyewitness - CW2 is examined before the Trial Court. It is under these circumstances, the petitioner is before this

Court, in this successive bail application.

3. Learned counsel appearing for the petitioner submits that, injured eyewitness - CW2 is examined before the Trial Court as PW2 and he has turned hostile to the case of the prosecution. Except the present case, the petitioner, who is in custody for the last more than 2 years, has no other criminal antecedents. Accordingly, she prayed to allow the petition.

4. Per contra, learned Additional State Public Prosecutor who has opposed the petition, does not dispute the submission made by learned counsel for the petitioner.

5. Perusal of the first information would go to show that, petitioner's name is not found in the FIR registered in the present case. During the course of investigation, police have totally arrested 6 persons and after completing investigation, charge sheet is filed against them. Petitioner is arrayed as accused No.1 in the charge sheet. As per the charge sheet allegations, on 19.07.2024, when accused Nos. 1 to 6 were cleaning the property bearing Sy. No. 105/5 situated at Horamavu Village, for the purpose of installing Ganesha idol, a quarrel took place between accused No.5, deceased Manoj and his friend CW2. In the said incident, CW2 allegedly had assaulted accused No. 5 with his hands and Manoj had assaulted accused No. 5 with a beer bottle on his head. Accused No. 2, who was present at the spot, questioned Manoj and CW2 for assaulting accused No. 5 and in the fight that took place thereafter, accused No.1 assaulted CW2 on his thigh, head and mouth with a dagger and caused injuries. When Manoj tried to interfere, accused No.1 stabbed Manoj with a dagger on his stomach and as a result, Manoj fell down to the ground and subsequently died.

6. CW2, who is the injured eyewitness, is examined before the Trial Court as PW2. The submission made by learned counsel for the petitioner that said witness has turned hostile to the case of the prosecution and therefore, has been cross examined in vain by Public Prosecutor, is not disputed by learned Additional State Public Prosecutor. Petitioner, who has no other criminal antecedents, is in custody for the last 2 years. Since the material charge sheet witness is now examined, it cannot be apprehended that the petitioner may tamper with the said witness. All other accused have been granted bail in the present case. Under the circumstances, I am of the view that his prayer for grant of regular bail needs to be answered affirmatively. Accordingly, the following:

ORDER

(i) The petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in Crime No. 412/2024 registered by Ramamurthy Nagara Police Station, for offences punishable under Sections 103(1), 109, 118(2) r/w. Section 3(5) of BNS, 2023, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.