



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 12415 OF 2025

(439(Cr.PC) / 483(BNSS))

BETWEEN:

1. BHARATH.H.N

S/O NAGARAJAMURTHY.H.K

AGED ABOUT 29 YEARS,

RESIDING AT HOLALU VILLAGE,

DUDDA HOBLI, MANDYA TALUK,

MANDYA DISTRICT

PIN CODE 571425



...PETITIONER

(BY SRI. RAJU C N.,ADVOCATE)

AND:

1. STATE BY MANDYA RURAAL POLICE,

MANDYA, REPRESENTED BY SPP,



HIGH COURT OF KARNATAKA

AT BANGALORE

PIN CODE NO 560001

...RESPONDENT

(BY SMT.ANITHA GIRISH, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.108/2025 OF MANDYA RURAL POLICE, MANDYA ON THE FILE OF JMFC COURT AT MANDYA, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 352, 115(2), 118(1), 126(2), 109, 103(1) R/W SEC.3(5) OF BNS, 2023 BY ALLOWING THIS PETITION.

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 is arrayed as accused No.1 before this Court seeking for regular bail in Crime No.108/2025 filed by the respondent/police for the offences punishable under Sections 352, 115(2), 118(1), 126(2), 109, 103(1) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 pending on the file of the learned JMFC Court, Mandya.

Factual matrix of the case:

2. The case of the prosecution is that the complainant, Jeevan Kumar H K filed a complaint stating that on 23.03.2025 around about 06.00 p.m., his statement was recorded in the hospital. The said statement would disclose that the complainant was working as a coolie. On 22.03.2025 around about 06.00 p.m. his brother, Hemant Kumar H K and other friends of the same village were playing Kabaddi. While they were playing Kabaddi, Santhosh Das @ Chintu deliberately



kicked towards the riders/opposite side players. The complainant asked him to remain quiet and instructed him to play Kabaddi peacefully. By that time, the said Santhosh Das @ Chintu started assaulting the complainant. However, the said incident was pacified with the intervention of the other players.

3. On the same day, around about 7:45 p.m., when the complainant was walking along with his brother and another on road, accused No. 2 wrongfully restrained him. In the meantime, accused No. 1 assaulted the complainant with a knife on his rib. Simultaneously, accused No. 3, Balasundar, tightly held his brother, Anant Kumar. At that moment, accused No. 2 took the knife from accused No. 1 and stabbed his brother, Hemant, on the back. Thereafter, accused No. 4 assaulted his brother with a wicket stick on his back. At that time, the other eyewitnesses, namely Harshith, Jayaprakash Narayan, Hindhudhara and Chandra, pacified the situation and they have shifted the injured to Mandya MIMS Hospital. There,



the deceased was advised to go to Mysore for better treatment. The deceased and his brother went to Mysore for better treatment, there his statement was recorded and FIR came to be registered against accused Nos.1 to 4 for the offences stated supra.

4. Based on the said complaint, the respondent/police have registered a case, conducted the investigation and submitted the charge sheet.

5. The submission of the learned counsel for the petitioner is that, the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. The petitioner was not at all present at the scene of occurrence. However, he has been dragged into the case unnecessarily. The petitioner is having no criminal antecedents. Moreover, the grounds of arrest was not furnished to the petitioner. Hence, the petitioner may be enlarged on bail by imposing suitable conditions. Making such submission, he prays to allow the petition.



6. *Per contra*, the learned High Court Government Pleader for the respondent/State vehemently submitted that the petitioner has committed a heinous offence. He has committed murder of the complainant and also caused injuries to his brother. The entire case is based on the evidence of eyewitnesses. If the petitioner is enlarged on bail, there may be chances of threatening the prosecution witnesses. Therefore, it is appropriate to reject the bail petition. Making such submission, he prays to reject the petition.

7. Heard the learned counsel for the respective parties. Perused the averments made in the complaint and also the charge sheet.

8. As per the averments in the charge sheet, on 23.03.2025 around about 06.00 p.m., the deceased-Jeevan Kumar, CW2, CW3, CW7, CW8, accused No. 1 and others were playing Kabaddi in the land bearing Sy. No.11 of Holalu Village. The elder son of Balasundara H K used to



kick the opposite players and assault them during Kabaddi game. At that time, the said Jeevan Kumar advised him to play patiently, for which, the said accused No.2 got enraged and picked up a quarrel with Jeevan Kumar and abused him in filthy language. On the same day around about 07.45 p.m., while Jeevan Kumar and his brother along with CW3 were proceeding towards their houses, the accused persons restrained the said Jeevan Kumar and CW2 and started abusing them in filthy language.

9. It is alleged that the petitioner herein had stabbed the said Jeevan Kumar on the left side of the abdomen with a knife. When CW2 attempted to rescue Jeevan Kumar, accused No. 3 held CW2 firmly. In the meantime, accused No. 2 assaulted CW2 with a knife on the left side of his back. The specific overt act of each accused has been properly explained by the deceased in the statement made before the police.



10. *Prima facie*, it appears that the incident had occurred at a spur of the moment. However, there was no intention to commit the murder of either deceased or his brother. Moreover, on going through the PM Report, only one injury was inflicted on the body of the deceased. Having considered the said aspect, I am of the considered opinion that the petition may be allowed by imposing suitable conditions that would take care of the apprehension of the prosecution.

11. Hence, I proceed to pass the following:

ORDER

- i) The petition is ***allowed***
- ii) The petitioner is ordered to be enlarged on bail in Crime No.108/2025 filed by the respondent/police for the offences punishable under Sections 352, 115(2), 118(1), 126(2), 109, 103(1) read with Section 3(5) of Bharatiya Nyaya Sanhita,



2023 pending on the file of the learned JMFC Court, Mandya on executing personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to 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 indulge in any criminal cases till disposal of the case.

vi) The petitioner shall abide by the conditions imposed by this Court without fail.



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

BKM
List No.: 1 Sl No.: 21