



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 6510 OF 2023

BETWEEN:

KIRAN S.,
AGED ABOUT 27 YEARS,
S/O SIDDAYYA,
R/AT YARAGANAHALLI VILLAGE,
T NARASIPURA TALUK,
MYSURU DISTRICT - 571124.

...PETITIONER

(BY SRI GAURAV SUBRAMANYAM, ADVOCATE)

AND:

STATE OF KARNATAKA,
BY BILIGERE POLICE STATION,
MYSORE DISTRICT,
REP. BY HIGH COURT GOVT PLEADER,
HIGH COURT BUILDING - 560 001

...RESPONDENT

(BY SMT N. ANITHA GIRISH, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
S.C.NO.127/2023 (CR.NO.2/2023) OF BILIGERE P.S., MYSURU
DISTRICT FOR THE OFFENCE P/U/S 120B, 302, 201 R/W 34 OF
IPC ON THE FILE OF THE VII ADDL. DISTRICT AND SESSIONS
JUDGE COURT AT MYSORE.

THIS PETITION COMING ON FOR ORDERS THIS DAY THE
COURT MADE THE FOLLOWING:



ORDER

Accused No.2 in S.C. No.127/2023 pending on the file of VII Additional Sessions Judge, Mysuru, arising out of crime no.2/2023 registered by Biligere Police Station, Mysuru District, for the offence punishable under Sections 120B, 302, 201 read with Section 34 of Indian Penal Code (for short hereinafter referred to as 'IPC') is before this Court under Section 439 of Cr.P.C. seeking regular bail.

2. Heard the learned counsel appearing for the petitioner and learned High Court Government Pleader for respondent - State.

3. Facts leading to the filing of this petition narrated briefly are:

FIR in crime no.151/2022 was registered by Biligere Police on a missing complaint of one Sri.Chandregowda. During the course of enquiry in the said case, accused nos.1 and 2 in the said case were summoned to the Police Station and during the course of interrogation they allegedly admitted of having murdered Chandregowda. It is in this background, on the report of Arathi P.S.I., station house officer of Biligere Police



station had registered FIR in crime no.2/2023 against Lingaraju and petitioner herein for the aforesaid offences. Investigation in the case is completed and charge sheet has been filed.

4. The bail application filed by the petitioner under Section 439 of Criminal Procedure before the VII Additional Sessions Judge, Mysuru in SC No.127/2023 was rejected on 04.07.2023. It is under these circumstances, the petitioner is before this Court seeking regular bail.

5. Learned counsel for the petitioner reiterated the grounds urged in the petition and submits that the case of the prosecution entirely depends upon the circumstantial evidence. The body of the deceased Chandregowda has not been recovered. Investigation in the case is completed and charge sheet has been filed. He submits that the petitioner has no criminal antecedents and accordingly, prays to grant regular bail to the petitioner.

6. *Per contra*, learned High Court Government Pleader opposed the bail petition and prays to dismiss the petition.



7. I have carefully considered the rival arguments of the learned counsel for both sides and also perused the material on record.

8. Material on record would go to show that initially a missing complaint was lodged on 28.12.2022, though Chandregowda was found missing from 20.11.2022 onwards. During the course of investigation, the accused persons were summoned to the Police Station. During their interrogation, they allegedly confessed to the crime. As per the charge sheet material, the sister of the accused no.1 and sister of deceased Chandregowda were friends. The photographs of the sister of accused no.1 was misused by the deceased. He had edited the said photographs and blackmailed the sister of accused no.1. Thereafter, he had taken her to Mysuru and captured her obscene photographs in his mobile. It is in this background, the accused persons allegedly committed murder of deceased Chandregowda. As per the charge sheet allegations, accused no.1 had assaulted the deceased with a stone and also with a glass bottle on his head and accused no.2 allegedly had kicked Chandregowda with his legs. Allegation of assault on the head of the deceased is only against accused no.1. The body of the



deceased Chandregowda which was allegedly thrown to Kabini river by the accused persons after committing the murder has not been recovered till date. Except the confession statement of the accused persons, there is no other strong evidence to connect the petitioner to the crime. The petitioner is in custody since 01.01.2023. Submission of the learned counsel for the petitioner that the petitioner has no criminal antecedents has not been seriously disputed by the learned High Court Government Pleader.

9. Under these circumstances, I am of the view that the petitioner has made out a *prima facie* case for grant of regular bail.

10. Accordingly, I pass the following:

ORDER

The petition is ***allowed***.

The petitioner is directed to be enlarged on bail in Crime No.2/2023 registered by Biligere Police Station, Mysuru district for the offences punishable under Sections 120B, 302, 201 read with Section 34 of IPC, subject to the following conditions:



- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) 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.

Sd/-
JUDGE

GVP