

IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 23RD DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 5910 OF 2025

BETWEEN:

SRI. BHARATHA C.P.
AGED ABOUT 26 YEARS,
S/O. SRI. PUTTASWAMY,
RESIDING AT NO.44/A,
SATHANUR ROAD, ANANDAPURA,
CHANNAPATNA TOWN,
CHANNAPATNA TALUK,
RAMANAGARA TALUK-562 159.

...PETITIONER

(BY SRI. SANDESH J. CHOUTA, SR. COUNSEL FOR SRI. RAGHAVENDRA K., ADVOCATE)

AND:



STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER,
RAMANAGARA RURAL POLICE STATION,
RAMANAGARA,
REPRESENTED BY THE SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)



THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ORDER HIS ENLARGEMENT ON BAIL IN RELATION TO THE CASE IN S.C.NO.71/2023 (CRIME NO.103/2023) REGISTERED AT RAMANAGARA RURAL POLICE STATION, FOR OFFENCES PUNISHABLE UNDER SECTIONS 143, 120-B, 341, 307, 302 AND 114 READ WITH SECTION 34 OF THE INDIAN PENAL CODE, PENDING ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE, RAMANAGARA.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.08.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CAV ORDER

Petitioner/accused No.1 is seeking to enlarge him on bail in S.C.No.71/2023, pending on the file of III Additional District and Sessions Judge, Ramanagara.

2. Heard the learned Senior counsel Sri Sandesh J. Chouta for Sri Raghavendra appearing for petitioner and Sri Rangaswamy R., learned High Court Government Pleader appearing for the State. Perused the material on record.



- 3. Crime No.103/2023 was registered at Ramanagara Police Station for the offence punishable under Section 143, 120B, 341, 307, 302, 114 r/w 149 of IPC against accused Nos.1 to 6 and four others, on a complaint lodged by one Nagaraju S/o late Byaraiah, father of deceased Ashwath.
- 4. Investigation of the case culminated in filing chargesheet against 9 accused, for the offence punishable under Section 143, 120B, 341, 307, 302, 114 r/w 34 of IPC.
- 5. The case of prosecution is that CW-2 Sahana and deceased Ashwath, though related, were in a relationship for about 6–7 years which was opposed by CW-2's elder brother, accused No.1 i.e., petitioner, and her mother accused No.5. On 17/02/2023, CW-2 and the deceased married at Dharmasthala, without informing their families, and began residing together in the house of deceased. It is alleged that accused no.1 and 5, harboring resentment, conspired with the other accused to murder



both. On 11/04/2023, upon learning that CW-2 and the deceased would attend beggara otta ceremony at Feroz Farm near Janapada Loka, the accused prepared to execute the plan. At about 1:45 PM, while the couple were retuning on a Bullet motorcycle bearing Reg. No. KA-42-X-5634, proceeding towards K.G. Hosahalli via Kotahalli Gate, the accused armed with deadly weapons (2 long, 2 daggers, a knife, and a machete) intercepted them near Ramesh's house on the public road. It is alleged that accused no.1 caught hold of the deceased by the collar, forcibly took his mobile phone and vehicle key, while accused no.3 pushed CW-2 from the motorcycle. As the deceased attempted to escape, the accused chased him. Accused no. 1 assaulted him with a long chopper on his back, head, and arms. Thereafter, accused no.1 and 2 repeatedly assaulted him on the head and shoulder with long choppers, while Accused 3 stabbed his skull and shoulder with the dagger, causing grievous injuries resulting in instant death. When CW-1 to CW-5 rushed to



rescue, Accused no. 4 threatened them. Accused no.1 with an intention to kill CW-2, swung a long chopper at her however, she evaded the blow, sustaining a simple bleeding injury to her left hand.

- 6. Petitioner is arraigned as accused No.1. He was arrested on 12.04.2023. The learned Sessions Judge has dismissed his application for bail. Hence, this petition.
- 7. The learned Senior counsel appearing for petitioner contended that, the role attributed against the petitioner in the chargesheet, does not materially differ from that of the co-accused, allegations against accused Nos.1 to 3 are identical and since accused Nos.2 and 3 are granted bail, petitioner is entitled to be enlarged on bail on the ground of parity, as he is standing on the same footing.

The learned Senior counsel further contends that the alleged eyewitnesses are planted, CWs.3 and 4 are introduced at a later stage and CW.1 himself came to the



spot nearly 30 minutes after the incident. Further, CW.2 – Sahana, who has been shown as an injured eyewitness, did not sustain any grievous injuries and if she was present at the spot, she would have lodged the complaint, which is not the case herein.

The learned Senior counsel further contends that several persons named in the FIR were subsequently deleted in the chargesheet, which by itself casts doubt on the veracity of the prosecution case. Now the investigation is complete and chargesheet has been filed. As many as 64 witnesses are cited by the prosecution and therefore, the trial is bound to be prolonged, particularly when the trial Court is already burdened with 108 pending cases.

The learned Senior counsel further contends that petitioner is innocent, he has been falsely implicated on the basis of suspicion, he is in judicial custody since 12.04.2023 i.e., for over 2 years 4 months and his further incarceration serves no useful purpose.



8. Per contra, the learned High Court Government Pleader has opposed the prayer for bail contending that the offences alleged are grave and heinous in nature, involving the brutal murder of а young man, petitioner/accused No.1 is the principal conspirator, who along with other accused committed the murder. statements of the eyewitnesses, particularly that of CW.2 - Sahana an injured witness prima facie show the involvement of the petitioner.

The learned HCGP further contends that apart from the statements of the eyewitnesses, recovery of weapons and blood stained clothes of the petitioner is a strong incriminating circumstance. He contends that ground of parity is not applicable in the present case, as accused Nos.2 to 5, who are enlarged on bail are not similarly placed. He further contends that it is case of 'Honour Killing' arising out of opposition to the marriage between the deceased and C.W.2. The materials on record prima facie disclose that the family members of C.W.2 i.e., the



present petitioner (brother of C.W.2) and Accused no.5 (mother of C.W.2), were enraged by the said marriage and, in furtherance of their common intention, conspired to eliminate the deceased.

The learned HCGP contends that apprehension of tampering the injured witness-CW.2 is imminent, since she is the sister of the petitioner. Hence, sought to dismiss the petition.

- 9. The specific allegation against the petitioner is that, he and accused No.5 were opposing the relationship between the deceased and CW.2, sister of petitioner, hence, conspired with accused Nos.2 to 4, his friends, to eliminate the deceased. In furtherance of the said conspiracy, assaulted the deceased with lethal weapons, resulting in his spot death, also assaulted CW.2 and caused injuries to her.
- 10. The statements of CWs.1 to 4, cited as eyewitnesses, directly implicate the petitioner. The



recovery of weapons and his blood stained clothes, lends further support to the prosecution case.

- 11. Petitioner cannot claim parity as of right, on the ground that accused Nos.2 to 5 are enlarged on bail. The materials on record attribute a distinct and more serious role to him. He had a grouse against the deceased for marrying his sister, against the wishes of his family. He is the principal conspirator, played a leading role in the commission of the offence. As per eyewitnesses, petitioner was armed with a long and assaulted the deceased on the back of his head and other parts of the body and also assaulted CW.2.
- 12. The principle of parity cannot be invoked in a mechanical manner, particularly where the allegations and degree of involvement of the accused are not identical. The mere fact that some of the co-accused have been granted bail does not ipso facto entitle the petitioner to similar relief. The case of the petitioner stands on a different footing.



- v. Vishanbhai Hirabhai Makwana, reported in (2021) 6 SCC 230, as observed that, while applying principle of parity, court cannot exercise its powers in a capricious manner and has to consider totality of circumstances before granting bail. Parity while granting bail must focus upon role of accused, and not only on weapon carried by accused. Merely observing that another accused who was granted bail was armed with similar weapon is not sufficient to determine whether bail can be granted on basis of parity. In deciding aspect of parity, role attached to accused, their position in relation to incident and to victim is of utmost important.
- 14. In view of the categorical statements of the eyewitnesses, the medical and recovery evidence on record, and the specific role attributed to the petitioner, this Court is of the considered opinion that the petitioner's case cannot be equated with that of the co-



accused who have been granted bail. Accordingly, the plea of parity is untenable.

- 15. It is well-settled that among other circumstances the factors to be borne in mind while considering an application for bail are:
 - i) Whether there is any prima facie or reasonable ground to believe that the accused has committed the offence;
 - ii) Nature and gravity of the accusation;
 - iii) Severity of the punishment in the event of conviction;
 - iv) Danger of the accused absconding or fleeing, if released on bail;
 - v) Character, behavior, means, position and standing of the accused;
 - vi) Likelihood of the offence being repeated;
 - vii) Reasonable apprehension of the witnesses being influenced; and



- viii) Danger, of course, of justice being thwarted by grant of bail.
- 16. From the perusal of the chargesheet, it is evident that CWs.2 to 4 are the eyewitnesses, out of whom CW.2 is an injured eyewitness. The statements of CWs.2 and 3 have been recorded by the learned Magistrate under Section 164 of Cr.P.C., wherein CW.2 has categorically named the petitioner. The contention that eyewitnesses are planted and some of the accused named in the FIR are dropped in the chargesheet, are matters which require appreciation of evidence during trial. In view of the categorical statement of the eyewitnesses, particularly that of CW.2, none other than the sister of the petitioner, there is a strong and prima facie case against the petitioner for having committed an offence punishable with death or imprisonment for life. Likelihood of petitioner intimidating and tampering CW.2 and other eyewitnesses is real and imminent. Hence, this is not a fit case to enlarge the petitioner on bail.

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BACKAR

17. As per Post Mortem report, 31 injuries are inflicted on the deceased. The vault and base of skull is fractured and fragmented into multiple pieces. Cause of death is due to head injury sustained. The injuries noticed

For the foregoing reasons, petition is **Dismissed.**

reflects the brutality in which the offence was committed.

Sd/-(MOHAMMAD NAWAZ) JUDGE

ΗВ

List No.: 1 SI No.: 1