NC: 2025:KHC:32841 CRL.P No. 11266 of 2025



# IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 22<sup>ND</sup> DAY OF AUGUST, 2025 BEFORE

## THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 11266 OF 2025

#### **BETWEEN:**

KOTRESH @ DUBBA S/O OBAIAH, AGED ABOUT 25 YEARS, OCC: AGRICULTURAL COOLIE, R/O MALAYNURU VILLAGE, KUNDURPI MANDALAM, KALYANADURGA TALUK, ANANTHPURA DISTRICT, ANDRA PRADESH STATE PIN-515766

...PETITIONER

(BY SRI. JAGAN MOHAN M T., ADVOCATE)

#### AND:



 THE STATE PARASHURAMPURA REPRESENTED BY: THE STATE PUBLIC PROSECUTOR, HIGH COURT BUILDING., BANGALORE

...RESPONDENT

(BY SRI. K. NAGESWARAPPA., HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONER IN CRIME NO.178/2024, PARASHURAMPURA POLICE AND IN CC NO.230/2025 ON THE FILE OF THE PRL.SENIOR CIVIL JUDGE AND JMFC CHALLAKERE FOR THE ALLEGED OFFENCES P/U/S 103(1) OF BNS ACT, 2023.



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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

#### **ORAL ORDER**

Heard the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the material on record.

- 2. This petition under Section 483 of the BNSS, 2023 is preferred by accused No.2 to enlarge him on bail in Crime No.178/2024 of Parasurampura Police Station.
- 3. The case of the prosecution is that, deceased Gittharaja. N. had illicit relationship with CW.11 and he was also teasing CW.12, daughter of accused No.4. Hence, on 18.12.2024 at about 09:30 p.m., accused Nos.1 to 3 by assaulting Gittharaja with machete on his neck and head, committed his murder.
- 4. Complaint is lodged by victim's brother.

  Complaint averments disclose that the deceased had left



the house at about 08:30 p.m. and when the complainant called him, on the evening of 19.12.2024, his mobile was switched of. At about 08:00 p.m. one Purushotthama, informed him that his brother has been murdered, his body is lying at bus stand near Kundurpi gate. He along with others, went to the spot and saw the dead body of his brother lying with injuries.

- 5. FIR is registered against unknown persons. In the course of investigation, accused were arrested and their voluntary statements were recorded. From them, a two wheeler, a machete and a mobile phone were recovered.
- 6. Charge sheet is filed against accused Nos.1 to 4 for the offence punishable under Section 103(1), 49 and 3(5) of the BNS, 2023.
- 7. There are no eye witnesses to the incident. Entire case is based on circumstantial evidence. FIR is registered against unknown persons. The petitioner was



arrested on 21.12.2024 and he is in custody since then. He has no criminal antecedents. Investigation is completed and charge sheet is filed. Allegations made are required to be proved in a full fledged trial. A Co-ordinate Bench of the Court has granted bail to accused No.1, similarly placed as the present accused, in Crl.P.No.5132/2025 vide order dated 05.06.2025. In the facts and circumstances, prayer for grant of bail can be allowed by imposing conditions. Accordingly, the following:-

### <u>ORDER</u>

- i) Petition is **allowed**.
- ii) Petitioner/accused No.2 in Crime No.178/2024 of Parasurampura Police Station, Bengaluru, shall be enlarged on bail subject to following conditions:
  - He shall execute a 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.



- 2. He shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons.
- 3. He shall not directly or indirectly threaten or tamper with the prosecution witnesses.
- 4. He shall not involve in committing any offence.
- 5. He shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed of.

Violation of any of the condition shall result in cancellation of bail.

Sd/-(MOHAMMAD NAWAZ) JUDGE

LDC

List No.: 1 SI No.: 27