



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN

**CRIMINAL PETITION NO.1889 OF 2023**

**BETWEEN:**

SRI. GAJENDRA @ GANESHA  
S/O THIMMEGOWDA  
AGED ABOUT 31 YEARS  
R/O UJJENAHALLI VILLAGE  
NARASANDRA POST  
KUDURU HOBLI  
MAGADI TALUK  
RAMANAGARA - 562 120

...PETITIONER

(BY SRI. V R BALARAJ, ADVOCATE)

**AND:**

STATE OF KARNATAKA  
BY S.H.O OF THYAMAGONDLU POLICE STATION  
NELAMANGALA TALUK  
BENGALURU RURAL DISTRICT  
REPRESENTED BY  
THE STATE PUBLIC PROSECUTOR  
HIGH COURTS BUILDING  
BENGALURU - 560 001

...RESPONDENT

(BY SRI.B.J.ROHITH, HCGP)





THIS CRIMINAL PETITION IS FILED U/SEC.439 OF CR.PC BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.67/2021 OF THYAMAGONDLU P.S BENGALURU CITY FOR THE OFFENCE P/U/S 120B, 143, 147, 148, 504, 302, 307, 204, 35, 149 OF IPC AND SEC.65 OF I.T ACT ON THE FILE OF THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT BENGALURU IN S.C.NO.119/2022 AND ETC.

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

**ORDER**

This is successive bail petition filed by the petitioner - accused No.5 under Section 439 of Cr.P.C for granting bail in Crime No.67/2021 registered by the Thyamagondlu Police Station, now pending on the file of the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru in S.C.No.119/2022 for the offence punishable under Sections 120-B, 143, 147, 148, 504, 302, 307, 204, 35 and 149 of IPC and Section 65 of the Information Technology Act, 2000.



2. Heard learned counsel appearing for the petitioner and learned HCGP for the respondent - State.

3. The case of the prosecution is that on the complaint of one Sathish, the FIR was registered on 04.10.2021 by the respondent - Thyamagondlu Police Station, where it was stated by the complainant that himself and the deceased - Jai Sriram were proceeding on a motorcycle, at that time, the Tata Ace Car came and dashed behind the vehicle and due to impact, they fell down. Accused Nos.2 to 5, who came in the said Car, during which, he committed the murder of one Jai Sriram. After registering the FIR, the police arrested the accused - petitioner on 07.10.2021 and his bail petition came to be rejected on 04.02.2022. Once again, this petitioner is before this Court for release him on the bail petition.

4. Learned counsel appearing for the petitioner contended that accused Nos.6 and 8 were granted bail by this Court and Co-ordinate Bench of this Court has also



granted bail to the accused No.1. He is in custody for more than 1 1/2 years. He is ready to abide by any conditions imposed by this Court. After investigation, charge sheet has also been filed. Hence, prays to allow the petition.

5. *Per contra*, the learned HCGP contended that the bail petition of the accused is to be rejected as he has committed the murder of the deceased along with accused Nos.2 to 4.

6. Having heard the arguments and on perusal of the records, especially, the bail granted by this Court to the accused Nos.6 and 8, where this Court has already rejected bail petition of accused No.6, who drove the Tata Ace and dashed to the vehicle of the deceased and subsequently, he has granted the bail after one year. Accused No.8 has also granted bail, who sat along with accused No.6 in Tata Ace Vehicle. There are no overt acts alleged against him. The Co-ordinate Bench has granted bail to the accused No.1, who said to be drove the car,



where accused Nos.2 to 5 came and commit the murder of the deceased. On perusal of the entire order sheet and materials on records, which clearly reveals that accused Nos.2 to 5, who have actually committed the murder of the Jai Sriram. The materials collected by the Investigating Officer clearly reveal that petitioner committed the murder of the deceased Jai Sriram. Therefore, the grounds of parity is not available to this petitioner. Actually, this petitioner committed the murder and the knife was recovered from the possession of the petitioner. Though the petitioner is in custody for more than 1 1/2 years that itself is not a ground to release the petitioner on bail on the ground of parity. The petitioner committed the murder along with accused Nos.2, 3 and 4. Such being the case, if bail is granted to the petitioner, there is every possibility of committing the similar offences and tampering the prosecution witnesses and materials witnesses.



Accordingly, the successive bail petition filed by the petitioner - accused No.5 is rejected.

**SD/-  
JUDGE**