



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL PETITION NO. 12313 OF 2025
(439(2)(Cr.PC)/483(3)(BNSS))

BETWEEN:

STATE OF KARNATAKA
BY KAMAKSHIPALYA PS,
VIJAYANAGARA SUB-DIVISION,
BENGALURU CITY,
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR,
ASST. COMMISSIONER OF POLICE,
VIJAYANAGAR SUB-DIVISION,
BENGALURU CITY - 560 079.

...PETITIONER

(BY SRI. PRASANNA KUMAR P., SPL.P.P.)

AND:

NANDEESH
S/O SHRINIVASAIAH,
AGED ABOUT 28 YEARS,
R/AT NO. NILL, 2ND MAIN ROAD,
KRISHNAPPA LAYOUT,
MANDYA WINES,
RAJARAJESHWARINAGAR,
BENGALURU-560098

PERMANENT ADDRESS AT
CHAMALAPURA VILLAGE,
GAREEBI LAYOUT,





KEREGODU HOBLI,
MANDYA – 571 446.

...RESPONDENT

(BY SRI. K. RAMA SINGH., ADVOCATE)

THIS CRL.P IS FILED U/S.439(2) OF (FILED U/S.483(3) BNSS) CR.P.C PRAYING TO (1)SET ASIDE THE ORDER DATED 23.12.2024 PASSED BY THE LEARNED LVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-57), THEREBY GRANTING BAIL TO THE RESPONDENT / ACCUSED NO.5 IN S.C NO.1319/2024 FOR THE OFFENCE P/U/S 302, 201, 120B, 364, 355, 384, 143, 147, 148 R/W 149 AND 34 OF IPC (PRODUCED VIDE ANNEXURE-C); (2)CONSEQUENTLY, CANCEL THE BAIL GRANTED TO RESPONDENT/ACCUSED NO.5 AND PERMIT THE PETITIONER/KAMAKSHIPALYA PS TO TAKE THE RESPONDENT/ACCUSED NO.5 INTO CUSTODY IN CR.NO.250/2024 OF KAMAKSHIPALYA PS, VIJAYANAGAR SUB-DIVISION, BENGALURU CITY, AND NOW PENDING BEFORE LVI ADDITIONAL CITY CIVIL AND SESSIONS JDUGE, BENGALURU (CCH-57) IN SC.NO.1319/2024.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED ON 09.04.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



CAV JUDGMENT

1. This petition is filed by the petitioner - State seeking to set aside the order dated 23.12.2024, passed in S.C.No.1319/2024, by the learned LVI Addl. City Civil and Sessions Judge, Bengaluru (CCH-57) as against accused No.5 for the offences punishable under Sections 120(B), 364, 384, 355, 302, 201, 143, 147, 148 read with Section 149 of IPC.

The brief facts of the case:

2. The case of the prosecution is that the first informant was working as a Security Officer in an apartment complex by name "Sattva Anugraha," situated at Sumanahalli, Bengaluru. It is stated that on 09.06.2024, at about 8:00 a.m., he noticed the dead body of a male person, aged between 30 to 35 years, lying near the storm-water drain. He immediately informed the nearest police station. The police officials visited the spot and subsequently, registered an FIR. During the investigation, accused Nos. 4, 15, and 17 voluntarily appeared before the police and admitted their guilt. However, after



thorough investigation, the complainant police found that other persons were also involved in the said murder. Therefore, a charge sheet was filed against accused Nos. 1 to 17.

3. The respondent approached the Trial Court seeking regular bail. The Trial Court on 23.12.2024, granted bail. Being aggrieved by the said order, the petitioner, being the Investigating Agency approached this Court seeking to set aside the bail.
4. Heard Sri. Prasanna Kumar P, learned Special Prosecutor for the petitioner - State and Sri. K. Rama Singh, learned counsel for the respondent.
5. The submission of learned Special Prosecutor for the petitioner-State is that the impugned order was passed by the Trial Court on 23.12.2024, considering the bail order granted by the Co-ordinate Bench of this Court. However, the Hon'ble Apex Court by its order dated 14.08.2025, set aside the impugned order passed by the Co-ordinate Bench of this Court on the ground that grounds of arrest is a procedural lapse which do not *ipso-*



facto rendered the custody illegal or the accused is entitled for bail.

6. It is further submitted that the respondent in furtherance of common intention, brutally committed the murder of the deceased – Renukaswamy. As many as 39 external injuries were found on the body of the deceased. There are eyewitnesses to the incident. Such being the fact, the Trial Court ought not to have granted bail. The manner in which the relief was granted clearly demonstrates a non-application of mind by the Trial Court. Therefore, the impugned order deserves to be set aside.
7. *Per contra*, Sri. Ramasingh, learned counsel appearing for respondent vehemently submitted that setting aside the bail granted by the Trial Court is a serious matter involving deprivation of personal liberty. The law does not permit to set aside such order without justifiable and compelling reasons.
8. It is further submitted that merely because this is a sensational case bail cannot be set aside as a matter of routine. In order to set aside the bail granted, there are



supervening circumstances to be warranted. The Trial Court on appreciating the overtact of the respondent and also considering the settled principle of law, granted bail.

9. It is further submitted that the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Karnataka Vs. Sri. Darshan*** reported in ***(2025 SCC OnLine 1702)***, is entirely different from the facts and circumstances of the case. The Hon'ble Supreme Court set aside the bail on the ground that the accused No.1 and 2 are the celebrities and there may be chances of tampering with the prosecution witnesses etc. However, the respondent is neither influential nor celebrity. The entire family is depending on his income. Such being the facts, it is not appropriate to grant the relief as prayed for in the petition. Hence, the petition may be dismissed.

10. The learned counsel for the respondent to substantiate his arguments relied on the judgment of the Hon'ble Supreme Court in the case of ***Abdul Basit @ Raju and Ors. Vs. Md. Abdul Khadir Choudhary & Anr.***, reported in ***(2014) 10 SCC 754*** and also in the



case of **Deepak Yadav Vs. State of U.P.** reported in ***Crl.A.No.861/2022 dated 20.05.2025.***

11. Having heard the learned counsel for the respective parties and on a perusal of the findings of the Trial Court, it is necessary to emphasize that all cases must be treated alike. The principle that "bail is the rule and jail is an exception" applies to all cases. However, each bail applications have to be dealt with on the basis of the gravity, nature and also impact on the society.
12. In criminal jurisprudence, the accused is presumed to be innocent and the prosecution has to prove the case beyond a reasonable doubt. Until the accused is proven guilty, the personal rights and liberty cannot be deprived.
13. It is needless to state that, the cases of either celebrities or the common man must be treated equally to render justice. The process of granting or rejecting bail falls within the discretionary power of the Court, which must be exercised judiciously.



14. On perusal of the averments of the charge sheet and the submission made by the learned counsel for the respective parties, the points which would arise for my consideration are:

- a. *Whether the bail granted by the Trial Court is deserved to be set aside?*
- b. *Whether the petitioner – State made out a ground to set aside the bail granted by the Trial Court?*

15. Before answering those points, it is relevant at this juncture to mention the precedents of the Hon'ble Supreme Court relating to setting aside the bail.

16. In ***Puran Vs. Rambilas*** reported in **(2001) 6 SCC 338**, the Hon'ble Supreme Court held that "a bail order can be set aside, even in the absence of post bail misconduct, if it is found to be unjustifiable, illegal and perverse".

17. In another case, ***State of Kerala Vs. Mahesh*** reported in **(2021) 14 SCC 86**, held that "even in Article 136, where interference of bail order is rare, Court can



exercise its power, if the bail order is found to be lacking of application of mind based on irrelevant consideration."

18. It is also significant to mention that, the Court while granting bail has to consider the following factors:

"9. [...] It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. 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 had 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, behaviour, 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."

(Emphasis supplied)



19. Having considered the ratio laid down by the Hon'ble Supreme Court in respect of grant, annulment or cancellation of bail, appreciation of evidence is impermissible.

20. In the present case, the overtact of respondent/accused No.5 is that he is a big fan of accused No.2 and he was instructed by accused No.3 to go to shed situated at Pattanagere and join with accused No.9. Accordingly, he went there and he also actively participated in committing the murder of the deceased – Renukaswamy. The particular overt-act against him is that he banged deceased – Renukaswamy to the floor.

21. Be that as it may, the respondent was granted bail by the Trial Court on the ground that the grounds of arrest was not properly served. The said ratio was laid down by the Hon'ble Supreme Court in the cases of ***Pankaj Bansal Vs. Union of India [(2024) 7 SCC 576]*** and ***Prabir Purkayastha Vs. State (NCT of Delhi) [(2024) 8 SCC 254]***, was prevailing and binding as a precedent of the Hon'ble Apex Court. Later, the



principles enunciated in those judgments might have been diluted. However, that itself may not be the ground to set aside the bail granted by the Trial Court.

22. It is settled principles of law that setting aside the bail is a serious matter involving deprivation of personal life and liberty. The law does not permit annulment of bail order, unless there are cogent and overwhelming circumstances which threaten the fairness of the trial.

23. In the present case, the petition filed by the petitioner-State does not disclose any grounds to indicate that the Trial Court granted bail on misapplication of legal principles or by ignoring relevant considerations. Even though, the learned Special Prosecutor heavily relied on the dictum of the Hon'ble Apex Court in ***State of Karnataka Vs. Sri. Darshan*** (supra) the principles laid down by the Hon'ble Supreme Court to set aside the bail granted by the Co-ordinate Bench of this Court are not applicable to the case on hand, for the reasons that, the respondent herein is neither celebrity nor influential person. Furthermore, he has not violated the bail



conditions, nor he has misused the liberty granted to him by the Trial Court.

24. It is equally important to mention that merely because the respondent is linked to a case where celebrities are co-accused is not a ground to set aside the bail order. Moreover, even assuming that the grounds of arrest may not be the reason for granting of bail, the respondent is entitled for bail even on considering the overt-acts.

25. In the light of the observations made above, I answer the points raised for my consideration as follows:

Point No. 1 : In the Negative;

Point No. 2 : In the Negative.

26. Hence, I proceed to pass the following:

ORDER

The petition stands ***rejected***.

**Sd/-
(S RACHAIAH)
JUDGE**

JS/-