



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9353 OF 2024

BETWEEN:

KESHAVAMURTHY
S/O LATE RENUKAPPA
AGED ABOUT 27 YEARS
R/A 111, III CROSS
14TH MAIN ROAD
HIRANNANAGUDDA
GIRINAGAR, BANGALORE
PIN CODE - 560 076.

...PETITIONER

(BY SRI RANGANATH REDDY R, ADV.)

AND:

STATE OF KARNATAKA THROUGH
THE STATION HOUSE OFFICER
KAMAKSHIPALYA POLICE STATION
(REP. BY S.P.P. IN HIGH COURT
BUILDING) BANGALORE CITY - 560 001.

...RESPONDENT

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

THIS CRL.P IS FILED U/S.439 CR.P.C (U/S 483 BNSS)
PRAYING TO ORDER THE PETITIONER TO BE ENLARGED ON BAIL IN
CR.NO.250/2024 REGISTERED IN 24th ACMM BY KAMAKSHIPALYA
P.S., PENDING ON THE FILE OF THE LEARNED 24th ACMM,
BANGALORE CITY, FOR THE OFFENCES P/U/S 302,201,120-
B,364,355,384,143,147,148 R/W 149 OF IPC.

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





CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.16 in Crime No.250/2024 registered by Kamakshipalya Police Station, Bengaluru City, for the offences punishable under Sections 120B, 364, 384, 355, 302, 201, 143, 147, 148, 149 read with Section 34 of IPC, is before this Court, under Section 439 of Cr.P.C.
2. Heard the learned counsel for the parties.
3. FIR in Crime No.250/2024 was registered by Kamakshipalya Police Station, Bengaluru City, initially for the offences punishable under Sections 302 and 201 of IPC against unknown persons on the basis of the first information dated 09.06.2024 received from Keval Ram Dorji, S/o Jayabahaddur Dorji, after the dead body of a male aged about 30-35 years was found by him. During the course of investigation of the case, petitioner herein was arrested on 10.06.2024 and remanded to judicial custody. Investigation in the case is now completed and charge sheet has been filed as against 17 accused persons for the aforesaid offences and the petitioner is arraigned as accused No.16 in the charge sheet. Bail application filed by petitioner before the jurisdictional Sessions Court in



CrI.Misc.No.7832/2024 was rejected on 02.09.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that charge sheet has been filed against the petitioner only for the offences punishable under Sections 120B, 143, 147, 149, 201 read with Section 34 of IPC. The only allegation against the petitioner is that he had tried to destroy the evidence after the murder was committed and he had voluntarily surrendered in the place of actual assailants by receiving certain amount.

5. Per contra, learned Special Public Prosecutor appearing for the respondent, who has filed statement of objections, does not dispute the submission made by learned counsel for the petitioner. He, however, submits that as against the petitioner, two other criminal cases were registered i.e., in Crime No.205/2016 of Girinagar Police Station, Bengaluru, for the offences punishable under Sections 399 and 402 of IPC and in Crime No.28/2024 of Girinagar Police Station, Bengaluru, for the offence punishable under Section 25(1B) of the Arms Act, 1959.

6. In reply, learned counsel for the petitioner submits that insofar as case the registered against the petitioner in Crime No.205/2016 of Girinagar Police Station, Bengaluru, he was tried and acquitted by the jurisdictional Sessions Court in SC No.1549/2017 disposed of on



01.08.2022 and in the other case registered for the offence punishable under the Arms Act, 1959, in Crime No.28/2024 of Girinagar Police Station, Bengaluru, petitioner is already enlarged on bail.

7. A perusal of the material available on record would go to show that after Renukaswamy was murdered by other accused persons as stated in the charge sheet, on the evening of 08.06.2024 inside the shed at Pattanagere, accused Nos.15 and 17 had contacted accused No.16 on the morning of 09.06.2024 when he was having tea in a Bakery near Omkareshwara Temple at Uttarahalli Main Road and at that time, petitioner allegedly disclosed to accused No.15 about his financial problems and accused No.15 in turn offered to pay him a sum of Rs.5 lakhs in the event he was ready to surrender in a murder case. Accused No.16 who agreed for the proposal put forward by accused No.15 had accompanied accused Nos.15 and 17 to Impact Auto Park Shed at Pattanagere and in furtherance of conspiracy of accused Nos.4, 10, 11, 12, 13, 14, 15 and 17, accused No.16 after receiving a sum of Rs.5 lakhs from accused No.13 had called his friend Rajashekar near the shed and handed over the sum of Rs.5 lakhs to him with a request to hand over the said money to his brother Jagadish and thereafter, accused No.16 had surrendered before the jurisdictional police along with accused Nos.4, 15 and 17 on 10.06.2024. The allegation against petitioner is that he had tried



to protect the actual assailants in the present case and in place of actual assailants, after receiving consideration from the actual assailants, he along with accused No.4, 15 and 17 had surrendered before the jurisdictional Court in the present case. It is under these circumstances, charge sheet has been filed as against the petitioner only for the offences punishable under Sections 120B, 143, 147, 149, 201 read with 34 of IPC. Undisputedly, all the charge sheeted offences against the petitioner are bailable offences.

8. It is brought to the notice of this Court that petitioner has been acquitted in SC No.1549/2017 (Crime No.205/2016), which was disposed of by the jurisdictional Sessions Court by judgment and order of acquittal dated 01.08.2022. The other case registered against the petitioner for the offence under the Arms Act in Crime No.28/2024 of Girinagar Police Station, Bengaluru, is pending consideration and the alleged offence in the said case is also bailable offence. Considering the aforesaid aspects of the matter, without expressing any opinion on merits and demerits of the case, I am of the view that petitioner's prayer for grant of regular bail requires to be answered affirmatively. Accordingly, the following order:-

9. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.250/2024 registered by Kamakshipalya Police Station, Bengaluru City, for the offences punishable under



Sections 120B, 364, 384, 355, 302, 201, 143, 147, 148, 149 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/- 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/-
(S VISHWAJITH SHETTY)
JUDGE**

DN