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Gangesh vs State of Karnataka

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Court : Karnataka

Decided On : Jan-31-2026

Judge : M.Nagaprasanna

Appeal No. : CRL.P/9703/2025

Appellant : Gangesh

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026 BEFORE THE HON'BLE MR. JUSTICE M.NAGAPRASANNA CRIMINAL PETITION NO. 9703 OF 2025 BETWEEN: GANGESH S/O LATE SAHADATH AGED ABOUT 34 YEARS R/AT MANJAPPA RENT HOUSE NEAR MUNESHWARA TEMPLE MARAGO HULIMANGAL POST, JIGANI HOBLI ANEKAL TALUK BENGALURU DISTRICT - 560 105. PETITIONER (BY SRI BASAVARAJU T. A., ADVOCATE) AND:

1. STATE OF KARNATAKA

Digitally signed by SANJEEVINI J BY PARAPPANA AGRAHARA POLICE STATION KARISHETTY BENGALURU Location: HIGH COURT OF REPRESENTED BY LEARNED KARNATAKA STATE PUBLIC PROSECUTOR PUBLIC PROSECUTORS OFFICE HIGH COURT BUILDING HIGH COURT OF KARNATAKA AMBEDKAR VEEDHI BENGALURU - 560 001.

2. ISHWAR B.VANNUR S/O BASAPPA -2- AGED ABOUT 41 YEARS ELECTRONIC CITY POLICE STATION ELECTRONIC CITY BENGALURU - 560 100.

3. THE CHIEF SUPERINTENDENT CENTRAL PRISON AND CORRECTIONAL SERVICE PARAPPANA AGRAHARA ELECTRONIC CITY POST BENGALURU - 560 100. RESPONDENTS (BY SRI K.NAGESHWARAPPA, HCGP FOR R1 AND R3) THIS CRL.P IS FILED U/S 483 BNSS PRAYING TO SET

ASIDE THE ORDER DTD 20.11.2024 PRODUCED AT ANNEXUREC IN CONNECTION WITH CR.NO.31/2023 OF PARAPPANA AGRAHARA P.S., FOR THE OFFENCES P/U/S 302, 201, AND 120(B) R/W 34 OF IPC, PENDING ON THE FILE OF LXV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-66) IN SC.NO.646/2023. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner - accused No.2 is before this Court calling in question a rejection order dated 20.11.2024, passed by the LXV Additional City Civil and Sessions Judge, Bengaluru City, on -3- an application filed under Section 439(1)(b) of the Cr.P.C., filed by the petitioner seeking modification of the bail condition in Crime No.31/2023, registered for the offences punishable under Sections 302, 201 and

120B r/w. 34 of the IPC.

2. Heard Sri Basavaraju T.A., learned counsel for petitioner and Sri K. Nageshwarappa, learned High Court Government Pleader for respondent Nos.1 and 3.

3. Learned counsel for petitioner submits that the

petitioner is financially sick and is unable to furnish two sureties. Therefore, he prays that this Court may modify the condition of furnishing two sureties to that of one surety and the petitioner would forthwith comply with the direction of this Court. He would also submit that the issue in the lis stands answered by an order passed a coordinate bench of this Court in Crl.P.No.12655/2024, disposed on 25.11.2024, wherein, the condition insofar as furnishing of two sureties is modified and directed to furnish one surety.

4. The condition imposed by the concerned Court is as follows: -4-

> The accused No.2 is enlarged on bail in Crime No.31/2023 (CC.No.6872/2023) registered by the Parappana Agrahara Police Station, pending before this court in S.C.No.646/2023 for the offence punishable under Sections 201, 302 r/w. Section 34 of IPC, on execution of personal bond for Rs.1,00,000/- with two sureties for the likesum

5. The coordinate bench in Crl.P.No.12655/2024, disposed on 25.11.2024 has held as follows:

> 4. Learned counsel for the petitioner submits that petitioner is a lady aged about 28 years having four minor children. Though this Court has granted regular bail to her on 12.09.2023 itself, till date, she is in custody for the reason that she is not in a position to comply condition '(a)' imposed by this Court in Crl.P.No.7367/2023. He submits that petitioner is ready and willing to furnish one surety instead of two sureties before the jurisdictional Court. Accordingly, he prays to modify condition '(a)' imposed by this Court in Crl.P.No.7367/2023 disposed of on 12.09.2023.

5. Learned HCGP on the other hand has opposed

The petition. He submits that petitioner is the permanent resident of Uttar Pradesh and in the event condition is modified, she may flee away from justice and it would be difficult to secure her presence.

6. Petitioner, who is a lady aged about 28 years

> was granted regular bail by this Court in Crl.P.No.7367/2023, which was disposed of on 12.09.2023. Though more than 14 months has lapsed after the said order, petitioner is still in custody for the reason that she is not in a position to comply condition '(a)' imposed by this Court. Learned counsel for the petitioner has submitted that petitioner can arrange only one surety and she is not in a position to arrange for two sureties. Considering the said submission made by learned counsel for the petitioner and also having regard to the fact that even after lapse of more than one year from the date of order passed by this Court in -5-

Crl.P.No.7367/2023, petitioner is still in custody, I am of the opinion that the prayer made by the petitioner in this petition needs to be granted. In the light of the issue standing covered by the afore- quoted order of the coordinate bench, the condition insofar as furnishing two sureties imposed by the concerned Court in the

order dated 11.10.2023, passed in S.C.No.646/2023 stands

modified.

6. For the aforesaid reasons, the following:

ORDER

a. The criminal petition is allowed. b. The order dated 20.11.2024, passed by the LXV Additional City Civil and Sessions Judge, Bengaluru City, in S.C.No.646/2023 stands quashed. c. The condition imposed in order dated 11.10.2023, passed by LXV Additional City Civil and Sessions Judge, Bengaluru, in S.C.No.646/2023,

insofar as furnishing two sureties imposed by the concerned Court stands modified and shall be read as follows: The accused No.2 is enlarged on bail in Crime No.31/2023 (CC No.6872/2023) registered by the Parappana Agrahara Police Station, pending before this court in S.C.No.646/2023 for the offence punishable -6- under Sections 201, 302 r/w. Section 34 of IPC, on execution of personal bond for Rs.1,00,000/- with one surety for the likesum subject to the following: d. All other conditions indicated in the order dated 11.10.2023, passed by LXV Additional City Civil and Sessions Judge, Bengaluru, in S.C.No.646/2023, remain unaltered. e. If the conditions as indicated in the order dated 11.10.2023, passed by LXV Additional City Civil and Sessions Judge, Bengaluru, in S.C.No.646/2023, are fulfilled, respondent No.3 shall release the petitioner forthwith. Ordered accordingly. Sd/- (M.NAGAPRASANNA) JUDGE NVJ List No.: 1 Sl No.: 37 CT:SS

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