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Gopi, vs State of Karnataka

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Court : Karnataka

Decided On : Jun-01-2026

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/11977/2025

Appellant : GOPI,

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE, 2026 BEFORE THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 11977 OF 2025 BETWEEN: GOPI, S/O MATHEEN, AGED ABOUT 25 YEARS, R/AT GOWRI CHATTIPATI GRAMA AND BICOMPETTI POST, PENNAGARAI TALUK, DHARMAPURI DISTRICT, TAMIL NADU - 636 701. PETITIONER (BY SRI. KRISHNE GOWDA M., ADVOCATE) AND: STATE OF KARNATAKA Digitally signed STATE BY BELLANDUR P.S. by NANDINI M S RPTD BY STATE PUBLIC PROSECUTOR, Location: HIGH HIGH COURT OF KARNATAKA, COURT OF KARNATAKA BANGALORE - 560 001. RESPONDENT (BY SMT. RASHMI JADHAV,

ADDL. SPP) THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.95/2018 OF BELLANDUR P.S. NOW IN S.C.NO.1410/2018 FOR THE OFFENCE P/U/S 366, 341, 342, 354(B), 376(D), 504, 506 R/W 149 OF IPC AND PENDING TRIAL BEFORE LIII ADDL.CITY CIVIL AND SESSIONS JUDGE AT BENGALURU. -2- THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.4 in S.C.No.1410/2018 pending before

the Court of LIII Additional City Civil and Sessions Judge, Bengaluru arising out of Crime No.95/2018 registered by Bellandur Police Station, Bengaluru for offences punishable under Sections 366, 341, 342, 354(B) 376(D), 504, 506 read with 34 of IPC, is before this Court under Section 439 of Cr.P.C. seeking regular bail.

2. Heard the learned counsel for the parties.

3. F.I.R. in Crime No.95/2018 is registered by

Bellandur Police Station, Bengaluru initially for offence punishable under Sections 363 and 34 of IPC against unknown persons based on the first information received

from one Sri.Chandregowda. During the course of investigation petitioner herein was arrested on 06.01.2020 and remanded to judicial custody. After completion of -3- investigation, charge sheet has been filed against six persons and petitioner is arrayed as accused No.4 in the charge sheet. His bail application filed before the trial

Court in Crl.Misc.No.11616/2022 was rejected on 10.01.2023. Under these circumstances, he is before this Court in this petition seeking regular bail.

4. Learned counsel for the petitioner having

reiterated the grounds urged in the petition submits that accused Nos.3 and 6 as against whom similar allegations are found in the charge sheet have been granted regular bail by the trial Court. He submits that petitioner has no other criminal antecedents. He is in custody for the last more than six years. Since, the material charge sheet witnesses including the victim are already examined, there is no chances of petitioner tampering with the said witnesses. Accordingly, he prays to allow the petition.

5. Pet contra, learned Addl.SPP who has opposed the petition submits that victim girl has supported the case of prosecution, allegation against the accused are serious -4- and heinous in nature. Accordingly, she prays to dismiss the petition.

6. F.I.R. in the present case was registered against 3 unknown persons by the first informant on 19.03.2018 alleging that three unknown persons had

forcibly taken a girl in a Indica Vista car. During the course of investigation the petitioner and other accused were arrested and after completing investigation, charge sheet was filed. As per the charge sheet allegations, on 18.03.2018 at about 8.30 pm when the victim girl had gone out of the house to bring some medicines, accused Nos.1, 3 and 4 who were standing near the SJR Verity apartment at Kasavanahalli, Bengaluru, forcibly took the victim girl in Indica Vista car bearing registration No.TN-19-D-0555 to a deserted place at Huskur village and thereafter committed forcible sexual assault on her. Subsequently, accused Nos.2, 5 and 6 were also summoned to the said place and thereafter even accused Nos.2, 5 and 6 committed forcible sexual assault on the -5- victim girl and left her near Hilahalige village and thereafter victim girl with the help of C.Ws.6 to 8 approached the jurisdictional Police, who had recorded her statement and also forwarded her for medical examination.

7. Allegation as against accused Nos.1 to 6 is

similar in the charge sheet. Petitioner who is now aged about 29 years is in custody for the last more than six years. During the course of trial the victim girl and other material charge sheet witnesses have been examined in

the present case. Therefore, there cannot be any apprehension that the petitioner may tamper with the material prosecution witnesses in the event he is enlarged on bail. It is not in dispute that accused Nos.3 and 6 have been granted regular bail in the present case by the trial Court. Allegation against the petitioner and accused No.3

is similar. The Hon'ble Supreme Court in the case of Javed Gulam Nabi Shaikh vs. State of Maharashtra and -6- Another - 2024 SCC OnLine SC 1693 at paragraph No.19, the Hon'ble Supreme Court has observed as follows:

> "19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime".

8. In the present case, the prosecution in all has cited 83 charge sheet witnesses, under the circumstances the chances of trial being completed and the case being

disposed off in the near future is very remote. Considering the fact that accused Nos.3 and 6 have been enlarged on bail and also taking into consideration the period of petitioner in the judicial custody, I am of the opinion that, prayer of the petitioner is required to be answered in affirmative without expressing any opinion on

-7- the merits and demerits of the case. Accordingly, the following:

ORDER

The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.95/2018 of Bellandur Police Station registered for the offences punishable under Sections 366, 341, 342, 354(B) 376(D), 504, 506 read with 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; -8-

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 GPG List No.: 1 Sl No.: 52

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