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Nikhil B a vs State of Karnataka

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Court : Karnataka Orders

Decided On : Oct-31-2025

Judge : Shivashankar Amarannavar

Appeal No. : CRL.P/9869/2025

Appellant : Nikhil B a

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025 BEFORE THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR CRIMINAL PETITION No. 9869 OF 2025 (439(Cr.PC) / 483(BNSS)) BETWEEN:

1. NIKHIL B A AGED ABOUT 24 YEARS S/O ASHOK, R/AT No. 2, 10TH CROSS, RUKMININAGAR BANGALORE.

2. MR MUNEESH H AGED ABOUT 25 YEARS S/O BANUMABHOVI, R/AT No. 125 BARIAVESHWAR NAGAR DODDABIDARAKALLU BANGALORE. PETITIONERS (BY SRI MOHANA CHANDRA P,

ADVOCATE) Digitally signed by LAKSHMINARAYANA AND: MURTHY RAJASHRI Location: HIGH 1. STATE OF KARNATAKA COURT OF KARNATAKA BY RMC YARD POLICE STATION

REPRESENTED BY THE STATE PUBLIC PROSECUTOR AMBEDKAR VEEDHI BANGALORE - 560 001. RESPONDENT (BY SRI CHANNAPPA ERAPPA, HCGP) THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED U/S 483 BNNS) PRAYING TO RELEASE THE PETITIONER ON -2-

BAIL IN CONNECTION WITH SC No.389/2024 (CRIME No.218/2023 OF RMC YARD POLICE STATION) FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 143, 395, 396 R/W 149 OF IPC PENDING ON THE FILE OF LXV ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-66). THIS PETITION COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

1. This petition is filed by accused Nos. 4 and 5

under Section 439 of Cr.P.C. praying to grant bail in SC No. 389/2024 pending on the file of LXV Additional City Civil and Sessions Judge, Bengaluru arising out of Crime No. 218/2023 of RMC Yard Police Station registered for offence punishable under Sections 143, 395, 396 read with Section 149 of IPC.

2. Heard learned counsel for petitioners and learned HCGP for respondent - State.

3. Learned counsel for petitioners would contend

that on perusal of entire charge sheet there is no overt act alleged against petitioners - accused Nos. 4 and 5. There is no recovery from the petitioners. C.W. 1 to C.W. 3 and -3-

deceased were residents of Nepal and no test identification parade was conducted. Complainant has not stated that he will identify the assailants. Petitioners are in judicial custody since 12.11.2023 and till now only 9 witnesses are examined. C.W.2 and C.W.3 who are stated to be eye witnesses have not appeared and NBW and proclamation

have been issued against them. Postmortem report indicates that the deceased was under the influence of alcohol at the time of incident. There are no criminal antecedents of the petitioners. As charge sheet is filed, petitioners are not required for custodial interrogation. With this, he prayed to allow the petition.

4. Per contra learned HCGP would contend that

C.W.2 is eye witness and in his statement he has stated that he has witnessed the incident and he will identify the assailants. There is recovery from the accused persons. C.W.1 to C.W.3 are injured and one person died in the incident. Offence alleged against the petitioners is heinous offence punishable with either death or imprisonment for

-4- life. If the petitioners are granted bail, they will threaten the prosecution witnesses and flee from justice. With this, she prayed to reject the petition.

5. Having heard learned counsel for the parties this Court has perused the material placed on record.

6. C.W.1 being the injured eye witness filed the

first information against 5 to 6 unknown persons. During investigation, the accused were apprehended. It is stated that incriminating materials i.e., mobile phones, cash of Rs.5,200/- robbed from the deceased as well as from C.W. 1 to C.W. 3, along with blood stained wooden club and vehicle used in commission of the offence were recovered. It is stated that blood stains found on the wooden club matches with the blood of the deceased. Charge sheet filed against accused Nos.1 to 9 discloses that these accused along juvenile offender formed themselves into an unlawful assembly, assaulted the deceased and injured with common object of causing their death and robbed the mobile phones and cash.

7. Learned counsel for petitioners contended that

even as per the charge sheet, overt act is attributed only against accused Nos. 1 to 3 and not against the petitioners and therefore, they are entitled for bail cannot be accepted as charge sheet discloses common intention on the part of accused Nos. 1 to 9 and juvenile offender and act of the accused persons resulted in death of one of the injured while C.W.1 to C.W.3 are injured eye witnesses.

8. In the present case trial has commenced and 9 witnesses are already examined. If at this stage petitioners are granted bail they will flee from justice, threaten the prosecution witnesses and will not be available for trial. Considering all these aspects petitioners have not made out grounds for grant of bail.

9. In the result, petition is dismissed. Sd/- (SHIVASHANKAR AMARANNAVAR) JUDGE LRS List No.: 1 Sl No.: 2 CT-SM

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