

Harish @ Handi Harish vs the State of Karnataka by

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Court : Karnataka

Decided On : Sep-24-2025

Judge : S Rachaiah

Appeal No. : CRL.A/1683/2025

Appellant : Harish @ Handi Harish

Respondent : The State of Karnataka by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL APPEAL NO. 1683 OF 2025 (U/S 14(A) (2)) BETWEEN: HARISH @ HANDI HARISH AGED ABOUT 30 YEARS S/O LATE THAYAPPA R/AT NO.60, BAHUDDURPURA 23RD WARD, ANEKAL TOWN ANEKAL TALUK BENGALURU DISTRICT-562 106 Digitally signed by APPELLANT SREEDHARAN BANGALORE SUSHMA (BY SRI. MUNEGOWDA M., ADVOCATE) LAKSHMI Location: High Court of Karnataka AND:

1. THE STATE OF KARNATAKA BY ANEKAL POLICE, BENGALURU
REP BY STATE PUBLIC PROSECUTOR HIGH COURT BUILDING
BENGALURU-560 001 -2-

2. MUNIRAJU AGED ABOUT 63 YEARS S/O LATE MUNIYAPPA R/AT
WARD NO 22 BAHUDDURPURA, ANEKAL TOWN ANEKAL TALUK,
BENGALURU DISTRICT-562 106 RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1; SRI.RAGHAVENDRA H.V.,
ADVOCATE FOR R2) THIS CRIMINAL APPEAL IS FILED UNDER SECTION
14(A)(2) OF SC/ST (POA) ACT PRAYING TO a) SET ASIDE THE ORDER
PASSED BY THE HONBLE II ADDL. DISTRICT AND SESSIONS JUDGE, AT
BENGALURU RURAL DISTRICT, BENGALURU IN SPL.C.NO.807/2024 ON
31.01.2025. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR.
JUSTICE S RACHAIAH -3-

ORAL JUDGMENT

The appellant, who is arrayed as accused No.1 in Crime No.250/2024 of the
respondent - Police, is before this Court seeking regular bail and seeking to set
aside the order dated 31.01.2025 passed in Spl.C.No.807/2024 on the file of II
Additional District and Sessions Judge and Special Judge, Bengaluru Rural
district, Bengaluru. Factual matrix of the case:

2. The case of the prosecution is that, the deceased

Ravi is the son of C.W.1 and C.W.3 and he belongs to the Scheduled Caste. An
immovable property of 2 acres 20 guntas situated in Sy.No.170 was granted to the
ancestors of accused Nos.5, 6 and 8. The deceased Ravi had filed an application
to the revenue authorities for grant of said land for graveyard. The said Ravi had
also filed a complaint against accused Nos.6 and 8 in respect of some dispute
existed between themselves. As such, accused Nos.5, 6 and 8 have decided to
commit the murder of Ravi.

3. It is further alleged that, C.W.22, who is the friend of deceased Ravi had quarreled near the house of accused -4-

Nos.1 and 4 and damaged the door of the house of accused No.4. Further, C.W.22 had quarreled with accused No.7 when he was distributing the books near Bharathi School at Anekal Town. Accused Nos.1, 4 and 7 had presumed that the deceased Ravi was supporting C.W.22., therefore, C.W.22 was giving trouble to them. All the accused in furtherance of common intention decided to commit murder of Ravi.

4. Accordingly, on 24.07.2024, at about 07.30 p.m.,

the accused Nos.1 to 3 came in a car which was driven by accused No.10. They came near the house of deceased Ravi and got down from the car. Accused Nos.1 to 3 went inside the house of Ravi and dragged him out of his house to the road. Accused No.2 is stated to have assaulted the deceased Ravi with a knife on sixteen places on his body and caused severe bleeding injuries.

5. The deceased Ravi after having sustained injuries fell down on the ground. Then, the accused No.1 had assaulted the deceased Ravi with a long chopper. As a result of which, the said Ravi died at the spot. -5-

6. It is further stated that accused Nos.1 to 3 fled

away from the scene of occurrence. The respondent - Police have conducted investigation and submitted the charge sheet for the offences punishable under Sections 324(4), 189(2), 103(2), 191(2), 191(3), 61(2)(a) and 190 of BNS, 2023 and Section 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court rejected the bail application. Hence, this appeal.

7. Heard Sri. Munegowda M., learned counsel for the

appellant and Smt. Rashmi Patel, learned High Court Government Pleader for the respondent No.1 - State and Sri Raghavendra H.V., learned counsel for the respondent No.2.

8. It is the submission of learned counsel for the

appellant that C.W.1 and 2 are projected as the eye-witnesses to the incident. However, the overt-act of other accused has not been explained properly. In fact, the statement of C.W.2 would indicate that, after the incident, C.W.2 came out of the house. C.W.1 even though stated to be the eye-witness who is none other than the friend of the deceased Ravi. His statement in respect of the offence cannot be considered as relevant as he

-6- is an interested witness. Therefore, the appellant may be enlarged on bail by imposing suitable conditions.

9. Per Contra, the learned High Court Government

Pleader, vehemently, submitted that the act committed by the appellant would indicate the seriousness of the offence. As per the version of the eye-witnesses, the appellant and others entered inside the house of appellant and committed his murder on account of that he belongs to Scheduled Caste. The manner in which the accused had caused injuries would indicate that how they are cruel. If the appellant is enlarged on bail, there might be chances of winning-over the witnesses or there may be chances of threatening the eye-witnesses. Hence, it is not appropriate to grant the relief.

10. Having heard the learned counsels for the

respective parties and also perused the averments of the charge-sheet, it would indicate that the appellant is arrayed as accused No.1. Allegation made against him that he assaulted the deceased Ravi with long chopper on the thigh. Having considered the nature of injury caused to the deceased and also having considered the bail granted to other accused and also on the ground that C.W.1 though stated to be the eye-witness,

-7- who is the friend of deceased Ravi, it is appropriate to grant bail. Hence, I proceed to pass the following:

ORDER

i) The Criminal Appeal is allowed. ii) The order dated 31.01.2025 passed in Spl.C

No.807/2024 on the file of II Additional District and Sessions Judge and Special Judge, Bengaluru Rural District, Bengaluru, is hereby, set aside.

iii) The appellant/accused No.1 is ordered to be enlarged on bail in Crime No.250/2024 of respondent-police, on executing a personal bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only) with two sureties for the likesum to the satisfaction of the Trial Court, subject to the following conditions: a) The appellant shall not commit any offences or similar offence in future till disposal of the case.

b) The appellant shall not threaten the prosecution witnesses nor hamper the Court proceedings. -8- c) The appellant shall appear before the Trial Court on all hearing dates, without fail. d) The appellant shall not leave the jurisdiction of the Court till disposal of the case. In case, if the appellant violates any of the bail conditions as stated above, the prosecution will be at liberty to seek for cancellation of bail. In view of the disposal of the appeal, interim application, if any, stands disposed of. Sd/- (S RACHAIAH) JUDGE NM List No.: 2 SI No.: 3

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