



HC-KAR

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NC: 2026:KHC:25488  
CRL.P No. 1136 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.I.ARUN**

**CRIMINAL PETITION NO.1136 OF 2025**

**(439(Cr.PC)/483(BNSS))**

**BETWEEN:**

1. SRI DEVANATH HEMBRAM  
S/O KALICHARAN HAMBAM  
AGED ABOUT 28 YEARS  
R/AT SANGAJORI  
VILLAGE, BARGAHOLIJAR POST  
JAMATHRA JILLA  
JHARKAND-209 502.

...PETITIONER

(BY SRI. ABHISHEK R. HUDDAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REP BY HEBBAGODI POLICE STATION  
BANGALORE RURAL  
REPRESENTED BY ITS  
PUBLIC PROSECUTOR-560 001.

...RESPONDENT

(BY SRI. M.R. PATIL, HCGP)





THIS CRL.P. IS FILED U/S.439 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL WITH RESPECT TO S.C.NO.5029/20 (IN CR.363/2019) OF HEBBAGODI POLICE STATION, AT BANGALORE RURAL, FOR THE OFFENCE P/U/S 302 IPC., WHICH IS PENDING BEFORE THE HON'BLE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT BANGALORE RURAL, ANEKAL ON SUCH TERMS AND CONDITIONS AS THIS HON'BLE COURT MAY DEEM FIT TO IMPOSE IN THE CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

**ORAL ORDER**

1. The criminal petition is filed under Section 439 of Code of Criminal Procedure seeking regular bail.
2. The petitioner is accused of committing an offence punishable under Section 302 of the IPC in S.C.No.5029/2020 pending on the file of the III Additional District and Sessions Judge, Anekal, Bangalore Rural. The offence is said to have taken place on 05.10.2019. The petitioner was arrested on 20.10.2019 and he is in custody till today.



3. The case of the petitioner is that he is not guilty of the offence alleged. It is his further case that though he was arrested way back in the year 2019, the police report was filed only on 06.01.2020 and charges against him have been framed by the trial Court on 24.11.2023 and evidence has commenced on 14.12.2023. However, the evidence is not yet completed. It is further submitted that there are 35 charge sheet witnesses which the prosecution intends to examine and only nine witnesses have been examined so far. This, it is contended, violates the right of the accused for a speedy trial. Reliance is placed on the order passed by the Apex Court in Special Leave to Appeal (Crl.) No.7502/2026, wherein it has been held as under:-

*"2. The petitioner has been denied regular bail by the High Court of Judicature at Bombay in connection with Crime No.322/2022 registered with Shahapur Police Station, District Kolhapur on 1-11-2022 for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") respectively.*



*3. We heard Mr. Risvi Muhammed, the learned counsel appearing for the petitioner and Mr. Bharat Bagla, the learned counsel appearing for the State of Maharashtra.*

*4. We take notice of the fact that the petitioner is in judicial custody since 1-11-2022. Although the charge came to be framed by the Trial Court in the year 2024, yet till this date not a single witness has been examined.*

*5. In such circumstances, referred to above, we are left with no other option but to say that the right of the accused to have a speedy trial as enshrined under Article 21 of the Constitution could be said to have been infringed.*

*6. We are mindful of the fact that the petitioner is charged with the offence of murder but time and again, we have said that howsoever serious the crime may be, if the right of speedy trial is infringed, then Court must consider the plea for bail appropriately.*

*7. Here is a case wherein past almost 4 years, the petitioner is in jail but not a single witness has been examined."*

4. It is also submitted that the petitioner is willing to abide by any of the terms and conditions that may be imposed by this Court. It is also submitted that he will neither tamper the witnesses to be examined by the prosecution nor he will jump the bail.



5. Per contra, learned High Court Government Pleader upon instructions, submits that there is *prima facie* material against the petitioner and the witnesses who have been already examined have deposed against the petitioner and that if released on bail, the petitioner would be a threat to society.

6. However, the learned HCGP is unable to counter the fact that there has been an inordinate delay in the trial and that the petitioner is entitled to speedy trial as per the decision of the Hon'ble Apex Court referred to above.

7. The facts in the present case are similar to that of the facts mentioned in the decision of the Apex Court referred to above. The inordinate delay in concluding the trial indeed violates the right of the petitioner for a speedy trial. For the said reason, I am of the opinion that it is a fit case for grant of bail to the petitioner. Hence, the following:-



**ORDER**

- i. The petition is ***allowed***.
- ii. The petitioner is directed to be enlarged on bail on executing a bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum.
- iii. The petitioner shall not directly or indirectly hamper the investigation process in any manner or tamper the prosecution witnesses.
- iv. The petitioner shall mark his attendance before the Investigating Officer on every third Sunday between 10.00 am and 2.00 pm., till completion of the trial.
- v. The petitioner shall attend the Court regularly.



- vi. The petitioner shall not leave the jurisdiction of the trial Court without prior permission.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.

**SD/-  
(M.I.ARUN)  
JUDGE**

VMB  
List No.: 2 SI No.: 2