



IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 29TH DAY OF MAY, 2026
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.
CRIMINAL PETITION NO.101038 OF 2026
(439(Cr.PC)/483(BNSS))

BETWEEN:

SHIVANAND
S/O. DEVAPPA @ JAYANT KARENNAVAR
AGE: 38 YEARS, OCC: AGRICULTURE,
R/O: KARKIKATTI,
TQ: SAUNDATTI, DIST: BELAGAVI.

...PETITIONER

(BY SRI. SANTOSH B. MALLIGAWAD, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY STATE
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA DHARWAD,
R/BY SOUNDATTI PS, BELAGAVI - 580 011.

...RESPONDENT

(BY SRI. JAIRAM SIDDI, HCGP FOR SOLE RESPONDENT)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C.
(U/S 483 OF BNSS) PRAYING TO GRANT BAIL TO THE
ACCUSED NO.1 WITH RESPECT TO THE SAUNDATTI P.S.
BELAGAVI, CRIME NO.186/2026 FOR THE OFFENCES
PUNISHABLE UNDER SECTIONS 108, 3(5) OF BNS, ON THE
FILE OF LEARNED PRINCIPAL CIVIL JUDGE AND JMFC,
SAUNDATTI, BELAGAVI, IN THE INTERESTS OF JUSTICE.

THIS CRIMINAL PETITION, COMING ON FOR ORDERS
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE GEETHA K.B.





ORAL ORDER

Heard arguments of both sides on the petition.

2. This is the petition filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'BNSS, 2023') R/w Section 439 of Cr.P.C. paying for grant of regular bail to the petitioner in Crime No.186/2026 of Saundatti Police Station, Belagavi for the offence punishable under Sections 108, 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short, 'BNS, 2023') on the file of Principal Civil Judge (Jr.Dn.), and J.M.F.C., Saundatti, Belagavi.

3. The brief facts of the case of prosecution are narrated in the bail petition. It is stated in the bail petition that petitioner is innocent of the offences alleged against him. Petitioner has not committed the offences alleged against him. The deceased and petitioner led happy marital life from the date of marriage till the wife of petitioner consumes poison. For a small articulation between petitioner and the deceased, she has consumed



poison on 09.03.2026 and she was admitted to the hospital on the same day by the petitioner and got treated by petitioner, but she has not responded to the treatment and succumbed to the injuries sustained by her due to consumption of poison and died on 16.03.2026 in the hospital. Only afterwards the complaint is being lodged by the brother of deceased. The petitioner is having two school-going children and they need constant care and attention. The petitioner is ready to offer proper surety and ready and willing to abide by the terms and conditions that may be imposed for granting bail. Hence, prayed for allowing the bail petition.

4. Learned HCGP files objections to the petition wherein he has narrated the brief facts of the case as stated in the first information given by the brother of deceased. He further contended that, petition is not maintainable in law; petitioner is not entitled for bail. There are sufficient prima facie materials available on record to show that petitioner is guilty of the alleged



offences. The investigation is not yet completed. Petitioner is accused No.1 in the main case and if he is released on bail, there is every possibility of his abscondence, commission of similar offences, tampering and threatening prosecution witnesses. Hence, prayed for dismissal of bail petition.

5. Having heard arguments of both sides, verifying the petition, papers annexed to it, objections to the main petition, the point that arises for consideration is:

"Whether petitioner is entitled for regular bail?"

6. Finding of this Court on the above point is in AFFIRMATIVE for the following:

REASONS

7. The first informant has lodged first information on 16.03.2026 at 20.45 hours before Saundatti Police Station, which is registered in Crime No.186/2026. The sum and substance of the complaint averments are that,



the marriage of petitioner and deceased had taken place in the year 2016 and then, she has given birth to 2 children. 2 - 3 years after the marriage, petitioner was not treating the deceased properly and suspecting her character and was telling that, she was not a good cook and thus, mentally tortured her. The first informant and his family members were always consoling the deceased whenever she states these facts to him and his family members. On 09.03.2026 afternoon, he received a phone call that, his sister consumed poison, immediately she was taken to Government Hospital, Saundatti and then to District Hospital, Dharwad and then to SDM Hospital, Dharwad and she was taking treatment in said hospital; immediately the first informant along with his family members had been to the hospital. He had seen that his sister was not in a position to speak and was unconscious. They were providing treatment to her. However, she died on 16.03.2026 at 2.45 hours. Hence, he lodged the first information as stated above.



8. After receipt of the first information, the concerned Investigating Officer has registered the case alleging the offence punishable under Section 108 R/w Section 3(5) of BNS, 2023.

9. The maximum punishment for the offence under Section 108 of BNS, 2023 is 10 years and it is triable by the Court of Sessions. It is not punishable with death sentence or life imprisonment.

10. The petitioner is in judicial custody since from the date of his arrest on 15.04.2026. Thus, he is not required for further interrogation. The objections of HCGP do not reveal the stage of investigation. Even though, the death has been taken place on 16.03.2026, first information was lodged on the same day, till today, what is the progress in the investigation is not at all forthcoming from the objection statement of learned HCGP. Furthermore, as per the first information, this deceased has consumed poison on 09.03.2026 and she died on 16.03.2026. What were the treatments given to her in



between said period; whether she was in a position to speak or not, whether she was conscious or not in between this period, and whether any efforts were made to record her dying declaration is not at all stated in the objection statement of learned HCGP.

11. Admittedly there is no death note from the deceased that why she has consumed poison.

12. Offence under Section 108 of BNS, 2023 could be attracted only if it is established that the petitioner abetted the deceased to commit suicide. However, there is no such serious allegation in the first information. Even though, the first informant came to know about the deceased consumed poison on 09.03.2026 itself and came to the hospital on the same day, he has not lodged the complaint till her death. Thus, there is an inordinate delay in filing the first information. These facts could be adjudicated only after completion of investigation and after full fledged trial. However at this stage, this will be a good ground for petitioner to obtain bail.



13. Petitioner is ready to abide by the terms and conditions that may be imposed by the Court for his release and ready to offer surety to the satisfaction of the Court. Petitioner is in judicial custody since more than 1 month. Under these circumstances, this Court is of the opinion that the apprehension of learned HCGP could be safeguarded by imposing some suitable conditions and thus, petitioner is entitled for regular bail with some conditions. Accordingly, the point under consideration is answered in AFFIRMATIVE and this Court passes the following:

ORDER

- i) The bail petition filed under Section 483 of BNSS, 2023 is hereby ***allowed***.
- ii) The petitioner is released on bail in Saundatti police station, Belagavi, on the file of Principal Civil Judge (Jr.Dn.), and J.M.F.C., Saundatti, Belagavi arising out of Crime No.186/2026 for the offences punishable under Section 108,



3(5) of the BNS, 2023 on he executing self-bond for a sum of ₹.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of learned JMFC and directed to produce his I.D. and address proof documents with following:

CONDITIONS

- a) Petitioner shall not tamper with any of the prosecution witnesses either directly or indirectly;
- b) Petitioner shall appear before Investigating Officer as and when called for investigation during the reasonable hours of the day;
- c) In the event charge-sheet is filed and cognizance is taken against the petitioner, the petitioner shall appear before the Court regularly



without fail till completion of trial
without exception.

- d) The sureties are directed to
produce title deeds of the
property before the jurisdictional
Magistrate.

If any of these conditions are violated,
then, the bail bond will be automatically
cancelled.

**Sd/-
(GEETHA K.B.)
JUDGE**

SSP / CT: ASC
List No.: 1 Sl No.: 14