



HC-KAR

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NC: 2026:KHC-D:3812
CRL.P No. 100328 of 2026

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF MARCH 2026

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

CRIMINAL PETITION NO. 100328 OF 2026

(439(CR.PC)/483(BNSS))

BETWEEN:

CHIRAG S/O. CHANDRAHAS KOTHARKAR,
AGE: 20 YEARS, OCC: STUDENT,
R/O. TELANG ROAD, NEAR KANNADA SCHOOL,
NANDANAGADDE, TQ: KARWAR,
DIST: UTTARA KANNADA-581 301,
PRESENTLY STUDYING B.COM
AT P.E.S. UNIVERSITY, R.R. CAMPUS,
100 FEET RING ROAD, BSK II STAGE,
BENGALURU-580 085.

...PETITIONER

(BY SRI. S.V. YAJI AND SRI. GIRISH V. BHAT, ADVOCATES)

AND:

THE STATE OF KARNATAKA,
BY KADRA P.S.
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH-580 011.

...RESPONDENT

(BY SRI. ABHISHEK MALIPATIL, AGA)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CRIMINAL PROCEDURE CODE AND SECTION 483 OF BNSS PRAYING TO ALLOW THE PETITION AND ORDER TO RELEASE THE PETITIONER ON BAIL IN KADRA P.S. CRIME NO.3/2026 FOR THE ALLEGED OFFENCES UNDER SECTION 108, 249 (B) READ WITH SECTION 3(5) OF BNS PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC-2, UTTARA KANNADA KARWAR, IN THE INTEREST OF JUSTICE AND EQUITY.





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

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

ORAL ORDER

Heard Sri S.S.Yadrami, learned Senior counsel for Sri.S.V.Yaji for the petitioner and Sri Abhishek Malipatil, learned AGA for respondent-State.

2. Learned Senior Counsel Sri S. S. Yadrami would submit that he is not pressing for interim bail. Hence, heard arguments of both sides on main petition.

3. This is the petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023') praying for grant of bail to petitioner in Crime No.3/2026 of Kadra Police Station for the offences punishable under Sections 108, 249(b) read with Section 3(5) of the BNS, 2023.

4. It is stated in the bail petition that the petitioner is innocent of the offences alleged against him. The facts of



the case are narrated in detail in the petition. It is further stated that petitioner is a final year B.com student in P.E.S. University, R.R. Campus, BSK II Stage, Bengaluru and because of his arrest and detention, his studies and career is greatly disturbed. He is a young boy of 20 years and a regular student. The maximum sentence alleged against petitioner is 10 years. It is not punishable either with death sentence or life imprisonment. Petitioner would abide by the terms and conditions that may be imposed for his release on bail.

5. Per contra, learned AGA, Sri Abhishek Malipatil appearing for the State files objections to the bail petition, wherein it is stated that the offences alleged against petitioner are heinous in nature. Only because of the instigation by petitioner to go and die, the deceased has committed suicide by hanging in her house. He also narrated the facts of case in detail. The postmortem report establishes that the death was due to asphyxia as a result



of hanging. Hence, the petitioner is not entitled for bail. Hence, prayed for dismissal of petition.

6. Heard arguments of both sides.

7. Having heard the arguments of both sides, verifying the petition papers and objections, the point that arises for consideration is, "*Whether the petitioner is entitled for bail?*"

8. Finding of this Court on the above point is in '**Affirmative**' for the following:

REASONS

9. The offence alleged against the petitioner is punishable under Sections 108 and 249(b) of the BNS, 2023.

10. It is alleged in the petition that the petitioner and deceased were classmates in St. Joseph's College, Karwar. While they were studying in college, they were good friends. It is stated in the complaint that the deceased has



completed her aviation course and ought to attend for her job in a short while. On 09.01.2026, when the first informant had been to his job, at about 03.00 p.m., he received a phone call from his wife that his daughter has committed suicide with the help of ligature saree to the fan of their bedroom and they have shifted her to the Govt. Hospital, Karwar, wherein the doctor declared her as dead. The deceased was often talking with the petitioner through phone. He was always roaming in front of their house. The deceased and petitioner were known to each other. Petitioner was always insisting deceased to love him, but she refused for it and he told her that there is no meaning in her life and she can go and die and because of his instigation, the daughter of first informant has committed suicide in between 02.30 p.m. and 02.45 p.m. of the day of lodging the complaint.

11. After receipt of complaint, the Investigating Officer has commenced the investigation, has drawn spot panchanama and inquest panchanama and also the doctor



has conducted postmortem on dead body and statements of material witnesses is recorded. However, charge-sheet is not yet filed as investigation is not fully completed.

12. The present petitioner was arrested on 30.01.2026 and produced before the learned JMFC, who has remanded the petitioner to J.C. Thus, he is not required for police interrogation. The only allegation made against the petitioner in the complaint is that he instigated the deceased 'to go and die'.

13. The Hon'ble Apex Court in several cases held that mere using the words 'to go and die' would not constitute the offence under Section 108 of BNS, 2023.

14. The alleged offence against the petitioner is punishable under Section 108 of the BNS, 2023. The maximum punishment for this offence is 10 years with fine and triable by the Court of Sessions.



15. Earlier, the petitioner has filed anticipatory petition and during pendency of said petition, he was arrested and hence it was withdrawn and petition under Section 483 of the BNSS, 2023 was filed before the District Court and registered as Crl.Misc.No.57/2026. Said petition was rejected on 10.02.2026 only on the ground that there is chance of abscondence of petitioner and the offence alleged against him is heinous in nature.

16. Learned counsel for the petitioner has filed a memo dated 10.03.2026 with translated copies of WhatsaApp chats of petitioner with deceased. They prima facie reveal that petitioner and deceased were loving each other and it appears that mother of the deceased was not happy with their love affair because both of them belong to different religion.

17. The petitioner is a student aged about 20 years and studying in final year B.com of P.E.S. University, Bengaluru. His custodial interrogation is not required.



Always 'bail is a rule and jail is an exception' is the principle noted in catena of decisions of Hon'ble Apex Court.

18. Learned counsel for petitioner has produced the report of psychiatrist to show that even the petitioner was under depression by hearing the news of suicide of the deceased. Petitioner was examined by the doctor after his remand to J.C. and doctor opined that the petitioner is physically and mentally fit to be taken to custody.

19. All these things prima facie reveal that no material is produced by the learned AGA that the petitioner would abscond from the proceedings if he is released on bail; there is no suicide note available; only some bald allegations are made against the petitioner; the petitioner cannot be kept in prison during crime stage, if pre-trial custody is against his personal liberty. Hence, by imposing some suitable conditions, the petitioner may be enlarged on bail.



20. If there is no prima facie case, chance of tampering and threatening the prosecution witnesses and nature of his abscondance would not arise.

21. As discussed above, already the statements of material witnesses are recorded and hence the chance of threatening the prosecution witnesses at this stage would not arise. There is no strong prima facie case against the petitioner. The only word used in the first information is petitioner instigated the deceased 'to go and die', which is not sufficient to attract the ingredients of Section 108 of BNS, 2023. Section 249(b) of BNS, 2023 is not applicable to the present petitioner.

22. For the above reasons, this Court holds that the petitioner is entitled for bail with suitable conditions. Hence, I proceed to pass the following:

ORDER

The bail petition filed under Section 483 of BNSS, 2023 (439 of Cr.P.C.) is hereby allowed.



The petitioner is released on bail in Kadra Police Station, Kadra Circle, Uttara Kannada District, on the file of Addl. Civil Judge & JMFC-II, Uttara Kannada arising out of Crime No.3/2026 for the offences punishable under Sections 108, 249(b) read with Section 3(5) of BNS, 2023 on he executing self-bond for a sum of ₹.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of learned JMFC and directed to produce his I.D. and address proof documents with following conditions:

- 1) The petitioner shall not tamper with any of the prosecution witnesses either directly or indirectly;
- 2) The petitioner shall not commit similar offences;
- 3) The petitioner shall not abscond from the proceedings.
- 4) The petitioner shall appear before the Investigating Officer as and when called for



investigation during the reasonable hours of the day.

- 5) The petitioner shall appear and mark his attendance before the Investigating Officer in between 10.00 a.m. to 12.00 noon on 3rd Sunday of every month, till filing of charge-sheet.
- 6) 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.
- 7) 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**