



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. 100283 OF 2026
(439(CR.PC)/483(BNSS))

BETWEEN:

SHRI SHIVANAGAYYA
S/O. MUTTAYYA UMACHAGIMATH,
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O. GUJAMGADI, TAL: RON, DT: GADAG.

...PETITIONER

(BY SRI. SHAILA SHIVAPPA BELLIKATTI, ADVOCATE)

AND:

STATE OF KARNATAKA,
THROUGH KHANAPUR POLICE STATION,
BELAGAVI, REPRESENTED BY SPP DHARWAD,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580011.

...RESPONDENT

(BY SRI. ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BNSS ACT SEEKING TO RELEASE THE PETITIONER/ACCUSED NO.2 ON BAIL IN C.C. NO.1378/2018, PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC KHANAPUR ARISING OUT OF KHANAPUR P.S. CR NO.505/2017, FOR ALLEGED OFFENCE PUNISHABLE UNDER SECTION 457, 380 OF IPC IN THE INTEREST OF JUSTICE AND ETC.

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

This petition is filed under Section 483 of the BNSS, 2023 praying to release the petitioner on bail in C.C. No. 1378/2018 on the file of the Principal Civil Judge and JMFC, Kahanapur, for the offences punishable under Sections 457 and 380 of IPC.

2. It is stated in the petition that the petitioner is innocent of the offences alleged against him. The facts of the case are stated in detail in the petition. The petitioner is in judicial custody since 02.08.2025. The criminal miscellaneous petition No. 1116/2025 was dismissed without properly appreciating the facts of the case. The charge was framed long back and summons were issued to the witnesses. The petitioner was in custody in some other case and body warrant was issued. Due to the Corona Virus, he was produced before the Court several times under body warrant. Continuing the petitioner in custody would amount to pre-trial punishment, which is violative of Article 21 of the Constitution of India. The petitioner undertakes to



appear before the Trial Court regularly and to co-operate with the trial. He will not tamper with the prosecution witnesses and will not abscond from the proceedings. Hence, he has prayed for allowing the bail petition.

3. Learned HCGP has filed objections to the bail petition, wherein the learned HCGP has narrated the facts of the case in detail. It is contended that there are four other cases against the petitioner and all those cases were registered subsequent to the present case. This shows that the petitioner has misused the bail granted to him. It is further contended that the petitioner remained absent from the trial from 27.01.2020 till 02.08.2025. He has jumped bail for more than four years. Only because of his absence, the trial could not be concluded. Hence, he has prayed for dismissal of the bail petition.

4. Heard arguments of both sides.

5. From the above facts, the point that arises for consideration is:



“Whether the petitioner is entitled to be released on bail?”

6. The finding of this Court on the above point is in **‘Affirmative’** for the following reasons:

7. The charge sheet is filed against the petitioner (accused No.2) and accused No.1 alleging the offences punishable under Sections 457 and 380 of IPC in Crime No. 505/2017.

8. It is the case of the prosecution that on 29.10.2017 at about 03.30 a.m., the petitioner along with Accused No.1 had been to locked house situated at Vagdegalli, Khanapura taluk with an iron rod, cutting plier and screwdriver. They broke open the lock, trespassed into the house and committed theft of 5-gram gold chain and cash of ₹400, thereby committing the offences punishable under Sections 457 and 380 of IPC.



9. Accused No.2 was on bail during crime stage. After filing of charge sheet, he appeared before the court, the charge was also framed. Subsequently, the petitioner remained absent from 27.01.2020 till he was arrested on 02.08.2025. Thus, the petitioner was absent for a period of more than five years. The certified copy of the order sheet of said case produced along with the petition reveals that body warrant was issued against the petitioner on 16.07.2024. However, before he could be produced before the Court under the body warrant, he was released on bail in the said case.

10. The objections filed by the learned HCGP further reveal that the petitioner is involved in four other cases registered before Khanapur Police Station, Gokul Road Police Station Hubballi, Belagavi Rural Police Station, Udyambag Police Station, Malmaruti Police Station, and all the said cases were registered after registration of the present case in Crime No. 505/2017. However, the records



of those cases are not produced. The petitioner has been released on bail in all those matters.

11. After framing of the charge, some witnesses were examined. However, due to some reasons trial could not be concluded. After the arrest of the petitioner, the trial is being continued. Almost all the witnesses have been examined except CW-6 and CW-13.

12. Learned counsel for petitioner would submit that since November-2025 summons is being issued to C.W.6, but he has not appeared to face the cross-examination and C.W.13 is yet to be examined.

13. The offences alleged against the petitioner are punishable under Sections 457 and 380 of IPC and maximum punishment for these offences is 14 years.

14. Even though there are serious allegations against the petitioner that he is involved in four other cases, after registering the present case, he was in J.C. in some other



cases for some period and due to COVID-19, for some period he could not appear before the Court.

15. The trial is almost completed except recording evidence of two witnesses. Considering the nature of offences alleged against the petitioner and since he is in J.C., by imposing some suitable conditions the petitioner could be released on bail. The apprehension of learned Additional Government Advocate could be protected by imposing suitable conditions.

16. Hence, I pass the following:

ORDER

Bail petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (439 of Cr.P.C.) is hereby allowed.

The Petitioner/accused No.2 is ordered to be enlarged on bail in Crime No.505/2017 of Khanapur Police Station for the offences punishable under Sections 457 and 380 of IPC, on he executing self-bond for a sum of ₹.1,00,000/-



(Rupees One Lakh only) with two sureties for the like sum to the satisfaction of jurisdictional Court and directed to produce his I.D. and address proof documents with following conditions:

1. Petitioner/accused No.2 shall appear before the Trial Court on all hearing dates regularly without fail.
2. Petitioner/accused No.2 shall not indulge in similar offences.
3. Petitioner/accused No.2 shall not tamper with the prosecution witnesses and shall not threaten the witnesses directly or indirectly.
4. Petitioner/accused No.2 shall appear before the Investigating Officer as and when called for investigation during the reasonable hours of the day.



5. 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**

VB upto para 11
SH-12 to end
CT-MCK
LIST NO.: 38 SL NO.: 5