



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 12TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL PETITION NO. 200610 OF 2026

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

BETWEEN:

RAVI S/O BASAWARAJ HADAPAD,
AGE: 26 YEARS, OCC: BARBER,
R/O: MUDDADAGA TQ: KAMALAPUR,
DIST ; KALABURAGI - 585 316.

...PETITIONER

(BY SRI BHEEMSHA IRANNA SHIROLE AND
SRI BUPENDRA SINGH HAJARE, ADVOCATES)

AND:

THE STATE OF KARNATAKA,
THROUGH POLICE NARONA POLICE STATION
TQ: ALAND DIST: KALABURAGI.
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH - 585 107.

...RESPONDENT

(BY SRI G.B.YADAV, HCGP)

THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/SEC 483 OF
BNSS, 2023 (NEW) PRAYING TO ALLOW THE PETITION THEREBY
ENLARGE THE PETITIONER/ ACCUSED NO.3 ON BAIL IN SC
NO.253/2025 PENDING ON THE FILE OF III ADDL. DISTRICT AND
SESSIONS JUDGE KALABURAGI CHARGE SHEETED FOR THE
OFFENCE PUNISHABLE FOR THE OFFENCES PUNISHABLE U/SEC
61(2)(A), 118(1), 115(2), 352, 351(2), 127(2), 103(1) R/W SEC.
3(5) OF BNS-2023 (ARISING OUT OF CRIME NO. 148/2025
REGISTERED BY NARONA POLICE STATION DISTRICT KALABURAGI)
IN THE INTEREST OF JUSTICE.





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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

This petition is filed by the petitioner/accused No.3 to enlarge him on bail in S.C.No.253/2025 pending on the file of learned III Additional District and Sessions Judge, Kalaburagi arising out of Crime No.148/2025 registered for the offences punishable under Sections 61(2)(A), 118(1), 115(2), 352, 351(2), 127(2), 103(1) R/W Section 3(5) of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'].

2. The brief facts of the prosecution case in nutshell are as under:

On 08.07.2025 the first informant i.e., the mother of the deceased lodged first information alleging that her son by name Ambrish and accused No.1 were friends. Both of them used to visit her house occasionally and the deceased was freely talking with the wife of accused No.1.



Thus, accused No.1 suspected the deceased for having illicit relationship with his wife. Hence, he hatched a plan, to eliminate the deceased. Accordingly, accused Nos.1 to 3 committed murder of Ambrish on 07.07.2025 by throttling his neck with wire. On the basis of the complaint, the respondent - police registered a case in Crime No.148/2025 for the aforesaid offences and during the course of investigation this petitioner was arrested and in turn he was remanded to judicial custody.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader for the respondent - State.

4. It is contended by the learned counsel for the petitioner that as per the contents of the charge sheet, accused No.1 - Ajay sat on the deceased and tied the neck of the deceased with electric wire and thereby committed murder of deceased who died due to asphyxia. Thus, there is no allegation of any involvement of the petitioner. Further, the prosecution has already examined CWS-1, 15



to 21 and they have not supported the case of prosecution and there is no incriminating material against the petitioner. Hence, the petitioner is entitled for bail.

5. Learned HCGP vehemently contended that the petitioner is involved in heinous offence and there are *prima facie* material against him. There was intention on the part of the petitioner to commit murder. If the petitioner is released on bail, there is likelihood of him fleeing away from justice and tampering with prosecution witnesses and hampering the trial. The material witnesses are yet to be examined. Hence, learned HCGP prayed to reject the petition.

6. On perusal of the entire charge sheet and deposition of PWs-1 to 9, it appears that, the motive behind the commission of murder was the illicit relationship of the deceased with the wife of accused No.1. As per the statement of CWs-15 to 21, who have been examined as PWs-2 to 8 before the Trial Court, they appear to be eyewitnesses to the incident but they have



not supported the case of prosecution. A perusal of the charge sheet depicts that prosecution case rests upon eyewitness account of eyewitnesses i.e., PWs-2 to 8 who have not supported the case of prosecution. When the material witnesses have not supported the case of prosecution and there is no specific individual overt act attributed against the petitioner, under such circumstances he is entitled to be enlarged on bail as he is in judicial custody since ten months.

7. It is well established principle of law that, while considering the bail application, the Court has to consider the nature of offence, circumstances in which the offence is committed, position and the status of the petitioner, likelihood of petitioner fleeing away from justice, tampering of witnesses, character and antecedent of the petitioner. In the case on hand, the Investigating Officer has completed the investigation and he has filed charge sheet. The material available on record clearly transpires that the petitioner is permanent resident of the address



shown in the cause-title. Since the material witnesses have already been examined, the question of petitioner threatening or tampering witnesses would not arise. Learned HCGP does not dispute that the petitioner is not involved in any other cases.

8. The law is well settled that, while disposing off the bail petition, the Court need not scan the entire prosecution papers and hold a mini trial. Keeping these factors in mind and on careful perusal of the entire material placed on record, this Court is of the opinion that *prima facie* there are no reasonable circumstances to opine at this stage that the petitioner - accused No.3 is guilty of the offences alleged. Considering the nature of offence, circumstances of the case, more particularly when eyewitnesses to the incident have not supported the case of prosecution, the court is of the opinion that the petitioner/accused No.3 is entitled to grant of bail in his favour. Accordingly, the Court pass the following:



ORDER

The Criminal Petition is ***allowed***. The petitioner is ordered to be enlarged on bail in S.C.No.253/2025 pending on the file of learned III Additional District and Sessions Judge, Kalaburagi arising out of Crime No.148/2025 registered for the offences punishable under Sections 61(2)(A), 118(1), 115(2), 352, 351(2), 127(2), 103(1) R/W Section 3(5) of BNS, 2023, on he executing a personal bond for a sum of Rs.2,00,000/- [Rupees Two Lakh only] with two sureties for the likesum to the satisfaction of the Trial Court, subject to the following conditions:

- (a) The petitioner shall not tamper with the prosecution witnesses in any manner;
- (b) The petitioner shall appear before the Trial Court on all the dates of hearing without fail;
- (c) The petitioner shall not leave the jurisdiction without leave of the Court;



(d) Violation of any of the condition shall entail
cancellation of bail.

Sd/-
(VENKATESH NAIK T)
JUDGE

SWK
List No.: 1 SI No.: 16