HC-KAR

NC: 2026:KHC-K:4798
CRL.P No. 200731 of 2026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CRIMINAL PETITION NO.200731 OF 2026

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

BETWEEN:

DATTAPPA S/O SUBHASCHANDRA CHOLBHARDI
AGE: 41 YEARS, OCC: AGRICULTURE
R/O MELKUNDA(B) VILLAGE,
TQ & DIST KALABURAGI

...PETITIONER

(BY SRI MAHANTESH H. DESAI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH FARTABAD P.S.,
DIST. KALABURAGI,
REPRESENTED BY ADDL. S.P.P.,
HIGH COURT OF KARNATAKA
KALABURAGI BENCH.

...RESPONDENT

(BY SRI GOPAL KRISHNA B. YADAV, HCGP)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION IS FILED UNDER SECTION 483 OF BNSS, PRAYING TO, ALLOW THE BAIL PETITION AND RELEASE THE PETITIONER ON BAIL IN CRIME NO.112/2025 OF FARTABAD POLICE STATION, KALABURAGI, FOR THE OFFENCES PUNISHABLE U/SEC.103(1), 238 R/W SEC.3(5) OF BNS ACT, PENDING BEFORE THE HON'BLE COURT OF I ADDL. DIST. AND SESSIONS JUDGE AT KALABURAGI IN S.C. NO.294/2025, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 12.06.2026 AND COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY AND ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CAV JUDGMENT

This petition is filed by the petitioner/ accused No.3 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for an order to release him on bail in the case in S.C.No.294/2025 pending on the file of the learned I Addl. District and Sessions Judge, Kalaburagi arising out of the case in Crime No.112/2025 of the respondent Police registered for the offences punishable under Sections 103(1) and 238 read with Section 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS').

2. The case alleged against the petitioner and other accused persons is that on 28.08.2025 at about 11.00 p.m., the ASI Ashok filed written complaint before the I.O. of the respondent Police as per Crime

No.112/2025 for the above said offences alleging that he gathered information from the people of Melkunda Village that since past 5 months the deceased Kavita, the daughter of the accused No.1 had love affair with one Mallappa Pujari, an Auto driver and the parents of the deceased objected to the said love affair. Hence, the deceased quarreled with her parents saying that she would marry Mallappa, otherwise she would run away from the house. On 26.08.2025 at about 8.00 a.m., the deceased left the house and returned the house in the evening at 6.00 p.m. and on that night her parents tried to console her for not to marry Mallappa. On 27.08.2025 in the night hours the petitioner/ accused No.3 along with the accused No.1 and 2 caused death of the deceased by strangulation in the house of the accused No.1 and later put pesticide into the mouth of the deceased and spread rumor that the deceased committed suicide by consuming pesticide. The deceased had love affair with Mallappa, who is

belonging to different community and in order to protect the reputation the accused persons committed murder of the deceased.

3. The learned HCGP has not filed any objection to the petition. However, he orally objected to the petition submitting that the charge sheet was already filed after completion of the investigation and the case is registered against the accused persons including the petitioner. Mere fact that some of the material witnesses, who have been examined by the prosecution have turned hostile, cannot be a ground to grant bail to the petitioner. Hence, the learned HCGP has sought for dismissal of the petition.

4. Heard the argument of the learned counsel for the petitioner and the learned HCGP for the respondent Police. Perused the relevant materials on record.

5. Now the point that arises for the consideration of this Court is:

> Whether the petitioner has made out any sufficient ground to grant bail in his favour as sought for?

6. The contention of the learned counsel for the petitioner is that the petitioner has nothing to do with the alleged complicity of the offences and he has been falsely implicated in the alleged offence by the complainant in collusion with the Police. It is true that the informant is ASI of the respondent Police Station. As per his information, he collected information from the villagers.

7. The accused No.1 is father of the deceased. The accused No.2 is son of the younger brother of the accused No.1 and the petitioner/accused No.3 is husband of the daughter of the aunt of the accused No.1. This would clearly go to show that the petitioner,

who is accused No.3, is relative of the accused No.1. The petitioner along with the other accused persons caused death of the deceased by strangulation and made the others to believe that the deceased died of committing suicide by consuming pesticide, by putting the pesticides into the mouth of the dead body of the deceased after causing her death. The offence alleged is punishable with death or life imprisonment.

8. Mere fact that the prosecution examined material witnesses and those witnesses have not supported the case of prosecution, cannot be a ground at this stage to grant bail. This Court cannot come to the conclusion based on the deposition of some of the witnesses that the petitioner is innocent of the offence alleged against him.

9. The accused persons are father and relatives of the father of the deceased. At this stage, after

examination of the some of the materials witnesses, it would be clear that they have turned hostile to the case of prosecution. The trial is yet to be concluded by the concerned trial Court. Therefore, it is not desirable on the part of this Court to come to the conclusion at this stage that the petitioner is innocent of the offences charged against him in the case.

10. As submitted by the learned counsel for the petitioner, the trial Court has dismissed the bail application of the petitioner in the case as per the order dated 12.05.2026. The certified copy of the said order is produced along with the petition. The reasoning of the trial Court in the impugned order would clearly go to show that the deceased was murdered by the accused persons only for the reason that she was in love with the person belonging to different caste. Hence, the alleged act of the accused persons including the petitioner

herein, is the act of honour killing and it is heinous crime.

11. Mere fact that the petitioner has been in judicial custody since from 30.08.2025 cannot be a ground to release the petitioner on bail, considering the gravity of the said offence and also the punishment for the offence alleged. As mentioned earlier, the offence alleged is punishable with death or life imprisonment. Hence, mere fact that the petitioner has been in judicial custody for the period of about 10 months as on this day cannot be a ground to grant bail in his favour at this stage.

12. As discussed herein above, considering the gravity and seriousness of the offence and also the punishment for the alleged offence, mere fact that some of the material witnesses have not supported the case of prosecution and that the petitioner is permanent

resident of Melkunda B. Village within the jurisdiction of the trial Court and he is having movable and immovable property, does not make out any sufficient ground to grant bail in favour of the petitioner.

13. The documents produced by the petitioner would show that some of the material witnesses have turned hostile to the case of prosecution. Hence, if the petitioner is released on bail at this stage, there is chance of him tampering the remaining witnesses of prosecution and hampering further trial of the case. The prosecution papers on record would clearly go to show that the petitioner actively participated along with the accused No.1 and 2 in causing death of the deceased by strangulation in the house of the accused No.1. Hence, any of the grounds urged by the petitioner does not merit consideration to grant bail to the petitioner at this stage. Therefore, the petitioner has failed to make out any sufficient ground, much less any

ground to grant bail to him as sought for in the petition. Consequently, the petition is liable to be dismissed.

14. In the result, answering the above point in the negative, I proceed to pass the following:

ORDER

This petition is hereby **dismissed**.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 65