NC: 2025:KHC-K:828
CRL.P No. 200167 of 2025
*C/W CRL.P No. 200168 of 2025*

**IN THE HIGH COURT OF KARNATAKA,**

**KALABURAGI BENCH**

**DATED THIS THE 5TH DAY OF FEBRUARY, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY**

**CRIMINAL PETITION NO.200167 OF 2025**

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

**C/W**

**CRIMINAL PETITION NO.200168 OF 2025**

**(438(Cr.PC)/482(BNSS))**

**IN CRL.P.NO.200167/2025:**

**BETWEEN:**

1. SMT. KAVITA
   W/O. GOVIND BALLI@ BALLA,
   AGED ABOUT 50 YEARS, OCC: LABOUR WORK,
   R/O. DASARWADI, NOW AT KHADRI CHOWK,
   KALABURAGI 585 103.

2. LAXMI W/O VEERSHETTY,
   AGED ABOUT 32 YEARS, OCC: LABOUR WORK,
   R/O. VITHALAPUR, NOW AT KHADRI CHOWK,
   KALABURAGI 585 103.

...PETITIONERS

(BY SRI R. S. LAGALI, ADVOCATE)

**AND:**

THE STATE OF KARNATAKA
THROUGH BEMALKHEDA POLICE STATION,
DISTRICT BIDAR.

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

REP. BY THE ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI-585102.

…RESPONDENT

(BY SMT. MAYA T.R., HCGP)

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THIS BAIL PETITION AND THEREBY ORDER THE RELEASE OF THE PETITIONERS ON BAIL IN BEMALKHEDA P.S. CRIME NO.02/2025 PENDING ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC, HUMNABAD FOR THE OFFENCES PUNISHABLE U/S 108, 351(2), 352 R/W S. 190 OF BHARATIYA NYAYA SANHITA, 2023.

**IN CRL.P.NO.200168/2025:**

**BETWEEN:**

1. SHARANU S/O GOVIND BALLI
   AGE 27 YEARS, OCC: STUDENT,
   R/O. PLOT NO. 66, MANIKESHWARI COLONY,
   KALABURAGI.

2. DATTU @ DATTDU S/O GOVIND BALLI,
   AGE: 25 YEARS, OCC: STUDENT,
   R/O. PLOT NO. 66, MANIKESHWARI COLONY,
   KALABURAGI.

3. KEDAR S/O JATRAPPA,
   AGED ABOUT 27 YEARS, OCC: STUDENT,
   R/O. KHADRI CHOWK KALABURAGI.

4. KUMAR S/O BALLIRAJU DASARWADI,
   AGED ABOUT 36 YEARS, OCC: PRIVATE WORK,
   R/O. N.B. NAGAR, HYDERABAD

…PETITIONERS

(BY SRI R. S. LAGALI, ADVOCATE)

**AND:**

THE STATE OF KARNATAKA
THROUGH BEMALKHEDA POLICE,
DISTRICT BIDAR,
REP. BY THE ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI-585102.

…RESPONDENT

(BY SMT. MAYA T.R., HCGP)

THIS CRL.P. IS FILED U/S. 438 OF CR.P.C (OLD), 482 OF BNSS (NEW), PRAYING TO ALLOW THIS ANTICIPATORY BAIL PETITION AND THEREBY ISSUED SUITABLE DIRECTIONS TO THE CONCERNED POLICE AUTHORITIES TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN BEMALKHEDA P.S. DIST. BIDAR CRIME NO.02/2025 PENDING ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC, HUMNABAD FOR THE OFFENCES PUNISHABLE U/S 108, 351(2), 352 R/W S. 190 OF BHARATIYA NYAYA SANHITA, 2023

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

These two petitions filed under Sections 483 and 482 of BNSS, 2023 arise out same of Crime No.2/2025, registered by Bemalkhed Police Station, Bidar, for the offences punishable under Sections 108, 351(2), 352 read

with Section 190 of BNS, 2023 and therefore they are heard together and disposed off by this common order.

2. Heard learned counsel for the parties.

3. FIR in Crime No.2/2025 was registered by Bemalkhed Police Station, Bidar for the aforesaid offences against one Kavita and others on the basis of the first information dated 04.01.2025, received from Susilamma, who is the mother of the deceased. During the course of investigation, accused Nos.1 and 2 were arrested on 05.01.2025. Their bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.5011/2025 was rejected on 24.01.2025. Therefore, they are before this Court in Criminal Petition No.200167/2025. Apprehending their arrest in the said case, accused Nos.3 to 5 and 9 had filed Crl.Misc.No.5013/2025 before the Court of II Additional District and Sessions Judge, Bidar, sitting at Basavakalyan, which was rejected on 24.01.2025. Therefore, they are before this Court in Criminal Petition No.200168/2025.

4. Learned counsel for the petitioners submits that after a period of more than one month from the date of the death of the deceased, first information has been submitted making vague and baseless allegations. The averments found in the FIR do not prima facie attract the alleged offences against the petitioners, who do not have any criminal antecedents. Accordingly, he prays to allow the petitions.

5. Per contra, learned High Court Government Pleader has opposed the petitions. She submits that investigation in the case is still under progress. Accordingly, she prays to dismiss the petitions.

6. Accused No.1 is the mother-in-law and accused No.2 is the wife of deceased Veershetti, who is the son of the first informant. Said Veershetti appears to have committed suicide in a jungle on 03.12.2024 by hanging himself and his dead body was found in the jungle on 04.01.2025. Thereafter, the first informant had approached the police and submitted her first information,

based on which FIR has been registered against the petitioners and other accused persons. Perusal of the averments in the FIR would go to show that there are general allegations as against accused persons that they were abusing and humiliating the deceased and it is in this background, he had committed suicide by hanging himself. Undisputedly, petitioners do not have any criminal antecedents. Accused Nos.1 and 2, who are in custody are ladies, aged about 50 years and 32 years respectively. Considering the nature of allegations found in the FIR, it becomes doubtful whether necessary ingredients so as to invoke the alleged offences is prima facie found as against the petitioners.

7. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail and anticipatory bail needs to be answered affirmatively. Accordingly, following order is passed:

ORDER

The criminal petitions are allowed.

The petitioners/accused Nos.1 and 2 are directed to be enlarged on bail in Crime No.2/2025 of Bemalkhed Police Station, Bidar, registered for the offences punishable under Sections 108, 351(2), 352 read with Section 190 of BNS, 2023, pending on the file of learned Senior Civil Judge and JMFC, Humnabad, subject to the following conditions:

a) Petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) Petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioners shall not involve in similar offences in future;

e) Petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

The respondent - Police or any other police in the State of Karnataka are directed to release the petitioners/accused Nos.3 to 5 and 9 in the event of their arrest in Crime No.2/2025 registered by Bemalkhed Police Station, Bidar, for the offences punishable under Sections 108, 351(2), 352 read with Section 190 of BNS, 2023, pending before the Court of Senior Civil Judge and JMFC, Humnabad, subject to the following conditions:

1. Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioners shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioners shall not tamper with the prosecution witnesses and they shall co-operate

with the police for investigation and appear before them whenever called upon.

4. Petitioners shall not involve in similar offences in future.

**Sd/-**
**(S.VISHWAJITH SHETTY)**
**JUDGE**

SRT
List No.: 1 Sl No.: 19
CT:PK