NC: 2025:KHC-K:1740
CRL.P No. 200423 of 2025
C/W CRL.P No. 200428 of 2025
CRL.P No. 200429 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200423 OF 2025

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

C/W

CRIMINAL PETITION NO.200428 OF 2025

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

CRIMINAL PETITION NO.200429 OF 2025

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

IN CRL.P.NO.200423/2025:

BETWEEN:

NAVEEN S/O MOUNESH PARASHETTI,
AGE: 23 YEARS, OCC: AGRICULTURE,
R/O SARAWAD, TQ: BABALESHWAR,
DIST: VIJAYAPURA-586101.

...PETITIONER

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA THROUGH,
PSI OF BABALESHWAR POLICE STATION,
DIST: VIJAYAPURA,
R/BY ADDL. SPP, HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF BNSS, 2023 PRAYING TO GRANT THE ANTICIPATORY BAIL TO THE PETITIONER/ACCUSED NO.2 AND DIRECT THE BABALESHWAR POLICE TO RELEASE THE PETITIONER/ACCUSED NO.2 ON BAIL IN THE EVENT HIS ARREST IN BABALESHWAR PS CRIME NO.22/2025 DISTRICT VIJAYAPURA FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 108, 3(5) AND 351(2) OF BNS, 2023 PENDING ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC COURT, VIJAYAPURA DISTRICT VIJAYAPURA.

IN CRL.P.NO.200428/2025:

BETWEEN:

SHIVU @ SHIVARAJ
S/O ISHWARAPPA LAGALI,
AGE:28 YEARS, OCC: AGRICULTURE,
R/O SARAWAD, TQ: BABALESHWAR,
DIST. VIJAYAPURA-586101.

…PETITIONER

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA THROUGH,
PSI OF BABALESHWAR POLICE STATION,
DIST: VIJAYAPURA,
R/BY ADDL. SPP, HIGH COURT OF KARNATAKA,
KALABURGI BENCH-585107.

…RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF BNSS, 2023 PRAYING TO, GRANT THE ANTICIPATORY BAIL TO THE PETITIONER/ ACCUSED NO.1 AND DIRECT THE BABALESHWAR POLICE TO RELEASE THE PETITIONER/ACCUSED NO.1 ON BAIL IN THE EVENT HIS ARREST IN BABALESHWAR PS CRIME NO.22/2025 DISTRICT VIJAYAPURA FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 108, 3(5) AND 351)2 OF BNS, 2023 PENDING ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC COURT, VIJAYAPURA, DISTRICT VIJAYAPURA.

IN CRL.P.NO.200429/2025:

BETWEEN:

VISHWANATH S/O PRABHU CHIKARADDI,
AGE: 26 YEARS, OCC: AGRICULTURE,
R/O SARAWAD, TQ: BABALESHWAR,
DIST: VIJAYAPURA- 586101.

…PETITIONER

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA THROUGH,
PSI OF BABALESHWAR POLICE STATION,
DIST: VIJAYAPURA,
R/BY ADDL. SPP, HIGH COURT OF KARNATAKA,
KALABURGI BENCH-585107.

…RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF BNSS, 2023 PRAYING TO, GRANT THE ANTICIPATORY BAIL TO THE PETITIONER/ ACCUSED NO.3 AND DIRECT THE BABALESHWAR POLICE TO RELEASE THE PETITIONER/ACCUSED NO.3 ON BAIL IN THE EVENT HIS ARREST IN BABALESHWAR PS CRIME NO.22/2025 DISTRICT VIJAYAPURA FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 108, 3(5) AND 351)2 OF BNS, 2023, PENDING ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC COURT. VIJAYAPURA. DISTRICT VIJAYAPURA.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

All these petitions have been arisen in the same crime number, however, filed by the different accused persons. Accused Nos.1 to 3 have approached this Court seeking anticipatory bail in Crime No.22/2025.

2. Brief facts of the case are as under:

The complainant filed a complaint against all the petitioners stating that two years ago they stated to have advanced loan to her son. When it was not repaid to them, they used to visit the house of the complainant and demanding the amount from them and also insulting them in the public.

3. It is further stated that the husband of the complainant was unhappy and he was thinking about the reputation in the society and he was disappointed for the act of the petitioners. Such being the fact, on 04.02.2025 herself and her husband had been to Vijayapur and returned to their native. Thereafter, on the following day, her husband went to Dhaba to sleep there. It is stated that he had come to the house around 04-00 a.m. When she told him to take a bath, he informed her that he would come back and stated that he had to clear the nature call.

4. After some time, she came to know that her husband died by hanging himself. Immediately, she lodged a complaint against the petitioners. The respondent/police

have registered a case and the investigation is under progress.

5. It is the submission of the learned counsel for the petitioners that the petitioners are innocent of the alleged offences. There is no evidence to show that they had been to their house and insulted the complainant and her husband and also demanded the amount from them.

6. It is further submitted that the ingredients of provision of Section 108 of BNS, 2023 has not been made out and the petitioners are entitled for bail. He further submitted that "Bail is a Rule and Jail is an Exception". The said principle has to be exercised in such cases etc. Making such submissions, he prays to allow the petitions.

7. *Per contra,* learned High Court Government Pleader vehemently opposed the said submissions and further submitted that the investigation is under progress. The petitioners have insulted the deceased in the public and demanded the amount which was given to his son as a loan. At this stage, it is not appropriate to grant them

anticipatory bail. Making such submissions, he prays to reject the petitions.

8. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, though the complainant made certain allegations against the petitioners that they have scolded, insulted and instigated the deceased to commit suicide, the ingredients would not indicate about the same. There is no whisper in the complaint as to when the petitioners have insulted and demanded to repay the amount.

9. Be that as it may. Without adverting to the merit of the case and also applying the principle of "Bail is a Rule and Jail is an Exception", I am of the considered opinion that the petitioners have made out a case to grant them bail.

10. Hence I proceed to pass the following:

ORDER

(i) The petitions are allowed.

(ii) The respondent/Police is directed to release the petitioners in the event of their arrest in Crime No.22/2025 registered by the Babaleshwar Police Station for the offences punishable under Sections 108, 3(5) 351(2) of BNS, 2023, pending before the Court of the II Additional Civil Judge (Jr. Dn.) & JMFC Court, Vijayapur subject to the following conditions:

(a) The petitioners shall execute personal bonds for a sum of Rs.1,00,000/- each with one surety each for the likesum to the satisfaction of the investigating officer.

(b) The petitioners shall not tamper the prosecution witnesses and shall not hamper the prosecution case.

(c) The petitioners shall co-operate with the investigation and they shall appear before investigating officer as and when it is required.

(d) The petitioners shall appear before the Trial Court on all hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

RSP
List No.: 1 Sl No.: 27
CT:PK