



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200475 OF 2025

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

BETWEEN:

SANTOSH S/O NARASAPPA CHINNAGIPALLI,
AGE: 30 YEARS, OCC: LABOUR,
R/O KAMATHANA,
TQ. AND DIST. BIDAR-585 401.

...PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH, MANNA-E-KHELLI POLICE STATION,
TQ. BASAVAKALYAN, DIST. BIDAR-585 401,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C (OLD)/483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION THEREBY ENLARGE THE PETITIONER/ ACCUSED ON BAIL IN C.C.NO.4159/2024, ARISING OUT OF CRIME NO.120/2024 REGISTERED BY MANNA-E-KHELLI POLICE

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by RENUKA
Location:
HIGH COURT
OF
KARNATAKA



STATION, DISTRICT BIDAR, FOR THE OFFENCES PUNISHABLE U/SEC. 103(1) OF BNS, 2023 AS PER CHARGE SHEET NOW PENDING ON THE FILE OF ADDL. CIVIL JUDGE (JR.DN) AND JMFC COURT BASAVAKALYAN.

THIS PETITION 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)

This petition is filed by the accused seeking regular bail in Crime No.120/2024, registered by Manna Ekhelli police station, Bidar, for the offence punishable under Section 103(1) of BNS, 2023.

2. It is the case of the prosecution that the complainant Laxmi W/o. Shankar Pujari, lodged a complaint stating that her son namely, Hanamanth had developed illicit relationship with the wife of the petitioner namely, Prema, when both were working in a poultry farm. It is further stated that she had advised her son that he should not continue the said illicit relationship with said Prema. However, on 30.08.2024, around 9.00 p.m.,



her son told her that he had some work at Chitguppa and went on his motorcycle.

3. On 31.08.2024 around 5.37 a.m., one person by name Sharanappa S/o. Shankreppa Zinde called the complainant and informed her that her son Hanamanth has dead and his body was kept in the Government Hospital at Manna Ekheili. After having received the information, the complainant and her relatives went to the said hospital and identified the body as her son. After having gone to the said hospital, she learnt that on 30.08.2024, her son had been to Kandgul village to meet the said Prema after having confirmed that the petitioner was not there in the house.

4. When the deceased was staying with Prema in her house around 11.30 p.m., suddenly, the petitioner came to the house and saw that the deceased was there with his wife in the said house. Being enraged after seeing the deceased, he assaulted the deceased with iron pipe on his head. Consequently, the deceased died.



Based on the complaint, the jurisdictional police have registered a case in Crime No.120/2024 and after conducting the investigation, they submitted the charge sheet for the offence stated supra.

5. Heard the learned counsel for the petitioner Sri Sanjay A. Patil and learned High Court Government Pleader Sri G.B.Yadav for the respondent – State.

6. It is the submission of the learned counsel for the petitioner that the alleged incident had taken place at a spur of moment. The petitioner was not there when the deceased Hanamanth had visited the house and staying with the wife of the petitioner. After coming to know that the deceased Hanamanth had illicit relationship with his wife, being enraged by the act of the said Hanamanth the petitioner assaulted him, however, he had not intention to commit his murder.

7. It is further submitted that the petitioner is aged about 30 years and he is the resident of Kamathana



village, Bidar district and is ready to abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions, he prays to allow the petition.

8. *Per contra*, the learned High Court Government Pleader vehemently opposed the said submissions and he further submitted that, the petitioner being the husband of said Prema had an intention to commit the murder of the deceased and assaulted him with an iron pipe on his head, consequently, the deceased died. Therefore, the petitioner is not entitled for any relief as prayed for.

9. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it appears that the complainant had stated in her complaint that her son Hanamanth had illicit relationship with Prema, who is the wife of the petitioner – Santosh. In spite of her advice that he should not continue the said illicit relationship, the deceased Hanamanth continued the said relationship with Prema.



On the previous date i.e., on 30.08.2024, he stated to have gone to Kandgul village where said Prema was residing along with her husband. When he was in the said house, the petitioner suddenly entered inside the house and found that deceased Hanamanth was there. Prima facie, the assault made by the petitioner appears to be sudden provocation. Hence, it is appropriate to consider his bail application.

10. Accordingly, I proceed to pass the following:

ORDER

The criminal petition is ***allowed***.

The petitioner is ordered to be enlarged on bail in Crime No.120/2024, registered by Manna EkHELLi police station, Bidar, for the offence punishable under Section 103(1) of BNS, 2023, by executing personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court on the following conditions:



- a) The petitioner shall not threaten or tamper
the prosecution witnesses.
- b) The petitioner shall appear before the Trial
Court on all hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

SRT
List No.: 1 SI No.: 24