NC: 2025:KHC-K:2192
CRL.P No. 200518 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200518 OF 2025

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

BETWEEN:

SHRAVANKUMAR S/O SAYABANNA YALAWAR,
AGE: 21 YEARS, OCC: AGRICULTURE,
R/O. YANKANCHIM, TQ.SINDAGI,
DIST.VIJAYAPUR.

...PETITIONER

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH ALMEL POLICE STATION,
DIST.VIJAYAPURA-586 101,
R/BY ADDL. SPP KALABURAGI,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 107.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P. IS FILED U/S 483 OF BNSS,2023 PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONER/ACCUSED NO.2 IN CC NO.4810/2024 (ALMEL PS FIR (CRIME NO. 83/2024 DISTRICT VIJAYAPURA) FOR THE OFFENCES PUNISHABLE U/SEC. 103(1), 238, 61(2)A R/W 3(5) OF BNS-2023 PENDING

ON THE FILE OF ADDL. SENIOR CIVIL JUDGE AND JMFC, SINDAGI DISTRICT VIJAYAPURA.

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 No.2 seeking for regular bail in C.C.No.4810/2024, arising out of Crime No.83/2024, registered by the Almel Police Station, Vijayapur, for the offences punishable under Sections 103(1), 238, 61(2)(A) read with Section 3(5) of BNS, 2023.

2. The case of the prosecution is that a complaint came to be registered against unknown persons in respect of the murder of the deceased. The respondent – police after registering the case, conducted investigation. During the course of investigation, the facts of the case have been unfolded in such a way that, the deceased was one Salim and the accused persons are his friends. There were some pity disputes between the petitioner and

accused No.1. The accused No.1 was expressing his unsatisfaction about said Salim/deceased and he was whispering that he would commit his murder. As per the further statement of the complainant, it emerges that the petitioner along with his friends stated to have committed the murder of the deceased by assaulting him with machete and threw the dead body into the canal. The respondent – police after conducting the investigation submitted the charge sheet against the accused persons.

3. Heard the learned counsel for the petitioner Sri Shivanand V. Pattanashetti and the learned High Court Government Pleader Sri Jamadar Shahabuddin for the respondent – State.

4. It is the submission of the learned counsel for the petitioner that the entire case of the prosecution is based on the circumstantial evidence. Initially, the complaint came to be registered against unknown persons and thereafter, during the course of investigation, overt-acts of the petitioner stated to be noticed by the

respondent – police. The said overt-acts of the petitioner have been narrated by the co-accused. When there is no direct evidence in respect of commission of the murder of the deceased, keeping the petitioner in judicial custody in such cases would be a futile exercise. Therefore, the petitioner may be enlarged on bail by imposing suitable conditions. Making such submissions, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader vehemently opposed the said submissions and he further submitted that the overt-acts alleged against each of the accused persons have been mentioned in the charge sheet and *prima facie* their involvement is established and at this stage, if the petition is allowed, it would give a wrong message to the society. Making such submissions, he prays to dismiss the petition.

6. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it appears from the records that initially a

complaint came to be registered against unknown persons. The respondent – police after registering the FIR, conducted investigation. During the course of investigation, it reveals that accused No.1 and the petitioner were known to each other and there were some disputes among themselves.

7. On perusing the averments of the charge sheet, it appears that entire case is based on the circumstantial evidence. The petitioner has been arrayed as accused on the basis of the voluntary statement of other accused persons. On going through the facts and circumstances of the case, without adverting to the merits of the case, it is appropriate to grant bail, as accused No.3 had been granted bail by the Trial Court. Hence, I proceed to pass the following:

ORDER

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

The petitioner is enlarged on bail in C.C.No.4810/2024 arising out of Crime No.83/2024,

registered by the Almel Police Station, Vijayapur, for the offences punishable under Sections 103(1), 238, 61(2)(A) read with Section 3(5) 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.

c. The petitioner shall co-operate for investigation as and when required.

d. The petitioner shall not leave the jurisdiction of the Trial Court till disposal of the case.

Sd/-
(S RACHAIAH)
JUDGE

SRT
List No.: 1 Sl No.: 24
CT:PK