

KADW010023042026



Presented on : 23.06.2026
Registered on : 23.06.2026
Decided on : 06.07.2026
Duration : 00 years, 00 months, 14 days

**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, AT: DHARWAD.**

DATED THIS THE 6th DAY OF JULY, 2026.

Present:

**SMT. POORNIMA N. PAI
B.Com.,LL.M.
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.**

CRIMINAL MISCELLANEOUS CASE No.324 / 2026.

PETITIONER: Bharatesh S/o. Siddarayappa Kurubar,
Age: 45 years, Occ: Teacher
R/o. Basti Plot, Navalagund,
Tq: Navalagund, Dist: Dharwad.

(By Shri. A.C. Chakalabbi, Advocate)

Vs.

RESPONDENT: The State of Karnataka,
R/by its Public Prosecutor, Dharwad.
(Navalagund PS, Navalagund)

(By Public Prosecutor, Dharwad.)

ORDER

Petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him for the offences punishable under Sections 115(2), 107 and 352 of Bharatiya Nyaya Sanhita, 2023 in Crime No.96/2026 of Navalgund Police Station.

2. Brief facts of the prosecution case as under;

The Complainant- Vasant S/o. Yallappa Neelanavar has lodged a complaint alleging that, his son Akash S/o. Vasant Neelanavar was studying 4th standard in Vidyajyoti School Navalagund and he was joined on 11.06.2026 to the Hostel of the said school. Further, on 14.06.2026, when the complainant visited the hostel, Akash told complainant that, Bhartesh Kurubar sir beats him and he is not interested to continue his studies in the said school. Therefore, the complainant decided to bring back his son Akash to

house but Bhartesh did not allowed him to take his son back then he told accused/Bharatesh not to beat the students and to teach them well. It is further alleged that, on 18.06.2026 at about 9:50 AM, he received a call from headmaster -Bharatesh informing that, his son has fallen down from upstairs and he was admitted to Government Hospital, Navalagund. Thereafter, the complainant called one Chandru Marakumbi and explained the incident and told him to visit Hospital immediately, as he was at Hubballi. The complainant also visited the hospital immediately and saw his son-Akash was in Ambulance and his tongue was bleeding and there is a injuries on his right leg, head and backside of left ear. At that time, the complainant tried to talk to Akash who told that his head and stomach is paining. Therefore, the complainant enquired about the incident and his son Akash told that, he was not interested to stay at Hostel

so whenever he asked Bharatesh that he will go home, he used to beat him.

3. Further it is alleged that, on 18.06.2026 when Akash asked Bharatesh to allow him to call his father at that time, Bharatesh abused Akash in filthy language and beaten him to his head. Due to which, he jumped from second floor of the school. Thereafter, the deceased was taken to the Gudi Hospital, Navalgund and as there was non availability of Doctor, he was taken to Maakali Hospital. Due to major injuries, the doctor referred him to KIMS, Hospital, Hubballi, where the Doctor declared him brought dead. After receipt of complaint, the respondent police registered crime No.96/2026 against the petitioner for the offences punishable under Section 115(2), 107 and 352 of Bharatiya Nyaya Sanhita, 2023.

4. It is further submitted by the petitioner that, after registering the complaint, the respondent Police have arrested him on 19.06.2026 and produced before the

Court and later he was remanded to Judicial Custody. Since the date of his arrest, he is in Judicial Custody. Hence, the petitioner has filed the present petition seeking regular bail on the following grounds:

GROUND

The petitioner is innocent and has not committed the alleged offence. He has been falsely implicated in the present case on the ill-advice of ill-wishers of the petitioner. The complain and other persons who are not in cordial terms with the petitioner with animosity as against this petitioner falsely implicated and created false episode as against him. The complainant with an intention to cause harassment and defame the prestige of the petitioner at the midst of the society, at the behest of the persons who are not cordial terms with the petitioner has filed false complaint against him. He is absolutely not concerned to the facts of this case and he has no way concerned with the said crime. There is no iota of evidence as against the

petitioner as alleged in FIR and complaint. He is permanent resident of Navalgund and serving as a teacher in Navalgund. He is ready and willing to furnish adequate surety and security to the satisfaction of the Court for his enlargement on bail. He undertakes to keep himself present on all dates of hearing before the Court as well as before Investigating officer and he will not abscond or tamper the prosecution witnesses and ready to abide by any of the conditions imposed by this Court. He is only the bread earner of his family, if bail is not granted irreparable loss and injustice will be caused to him. On these grounds, the petitioner prays to grant regular bail to him in above said Crime.

5. The learned Public Prosecutor filed detailed objections to the main petition along with Investigating Officer Report and contended that, the petition is not in accordance with law and not maintainable under law. Further, the learned Public Prosecutor narrated the

facts of the case stating that, the complainant and his family still in shock of death of deceased Akash if the bail is granted to accused, the complainant and his family would suffer more pain. The accused has committed serious offence which will cause adverse effect on the society. Prima-facie the accused has committed the alleged offence. If the accused is released on regular bail, he may pickup quarrel with the complainant, he may give threat to the witnesses, may destroy the evidence, may abscond and cause delay in investigation and may not appear before the court for trial. On these grounds the learned Public Prosecutor prays to reject the petition.

6. The Investing Officer has filed his report stating the facts as stated by the learned Public Prosecutor. If the accused is released on regular bail, he may give life threat to the witnesses and there is a threat to the complainant's family members. Hence, prayed to reject the bail petition.

7. Heard arguments of Advocate for the petitioner and the learned Public Prosecutor. Perused the records. The Advocate for the petitioner has produced some documents i.e., copies of FIR, Complaint and remand yadi. The advocate for petitioner has filed memo along with certain documents i.e., By-law of institution, News paper reports on educational programs conducted by said school, permission for Registration of Tutorial, certificate of registration, approval certificate, endorsement, list of management committee, building fitness certificate, remarks of the inspecting authority, photos of building, Safety certificate, Revised Fire Safety recommendation, Renewal certificate and approval from Public Education Department, Dharwad. He has also produced with memo two awards given to said Bharatesh Kurubar recognizing his contribution in education and social service and also a copy of Writ petition wherein, the order of BEO and Deputy

Commissioner to stop and close the school was stayed by Hon'ble High Court as per order dated 26.06.2026 in W.P No.105142/2026.

8. The advocate for accused has relied upon the following decision as under;

- 1 Criminal Petition No.101999/2021 in the case of Kalakesh Kalaka PPA Meti Vs. The State of Karnataka.**
- 2 Bail application No.7521 of 2017 in the case of Sindhu Paul Vs. State of Kerala.**
- 3 AIR 2021 SC 4764 in the case of Geo Varghese Vs. The State of Rajasthan.**
- 4 Criminal Petition No.2756 of 2021 in the case of Smt. Yashodamma C.K. Vs. The State of Karnataka.**
- 5 CRR 300/2020(0&M) in the case of Naresh Kapoor Vs. State of Punjab.**
- 6 2026 BHC AUG 4636 in the case of Sambhaji Balaji Tidke Vs. The State of Maharashtra.**
- 7 Criminal Appeal No.1487/2018 in the case of Narayan Malhari Thorat Vs. Vinayak Deorao Bhagat and another.**
- 8 Criminal Revision No.2042 in the case of Smt. Sanjubai @ Sanjana Bai Vs. The State Of Madhya Pradesh.**

9 MCRC-18160-2021 in the case of Pushpa Bai Vs. The State of Madhya Pradesh.

10 Criminal Appeal No.11 of 2024 in the case of Pradeshi Khan Vs. State of U.P.

9. The points that arise for my consideration are as under:

1. Whether the petitioner has made out sufficient grounds to grant regular bail under Section 483 of BNS as prayed in the present petition?

2. What order ?

10. My findings to the above points are as follows:

Point No.1 : In the Affirmative.

**Point No.2 : As per final order,
for the following,**

REASONS

11. **Point No.1:** The petition is filed by the petitioner under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 seeking regular bail. Section 531 of BNSS clearly states that, all the appeal, application, trial, enquiry or investigation pending

immediately before the date on which this Sanhita comes into force, shall be disposed off continued held or made as the case may be in accordance with the provisions of Code of Criminal Procedure, 1973 as in force immediately before such commencement as if this Sanhita had not come into force. Hence, Section 483 of BNSS. is applicable for regular bail in the present case and same is applied.

12. Section 483 of BNSS. empowers this Court to grant regular bail as under:

483. (1) A High Court or Court of Session may direct,—

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

13. In the present case, the offences alleged against the present petitioner / accused is under Section 115(2), 107 and 352 of B.N.S., 2023, wherein the Section 115(2) and 352 of BNS are bailable in nature and the Section 107 of BNS is the non-bailable in nature and the ingredients of Section 107 of BNS which reads as under:

Section 107 of BNS- Abetment of suicide of child or person of unsound mind:

“107. if any child, any person of unsound mind, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.”

14. The brief facts of the case of the prosecution is already explained in preceding paragraphs, same is not repeated. The name of the present petitioner / accused is found in the F.I.R. Further, the investigation is still going on and accused is in custody for nearly one months. He is a teacher in an educational institution and efforts are made by public to close the institution on the basis of this complaint. The documents produced by the petitioner's advocate shows that, the education institution is run by taking proper licence and permission from concerned department following all procedure. The allegation against the accused is that he has beaten the deceased child on the day of incident which led the child to commit suicide by jumping from the second floor of the school.

15. This Court has relied upon following citations with regard to Section Section 108 (earlier Section 306 of IPC): **AIR 2017 Supreme Court 74** in the case of

Gurcharan Singh Vs. State of Punjab, it is explained as to the basic ingredients of provision of Section 306 of IPC or suicidal death and abetment thereof. “**To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Any severance or absence of any of this constituents would militate against this indictment. Contiguity, continuity, culpability and complicity of the indictable acts or omission are the concomitant indices of abetment.**” There is no direct nexus to the act of commission of suicide and alleged threat by this accused. In another citation reported in **2017 (1) KCCR 250** in the case of **Smt. Swati Pai Vs. The State of Karnataka by Channammanakeru Achukattu Police, Bangalore and Another**, which was an application filed for quashing the proceedings under Section 306 of IPC, it is held that: **There shall be intentional indulgence on the part of the accused person to instigate the**

commission of suicide, or there shall be intentional assistance by the accused for the commission of suicide, then it can be said an act of abetment of suicidal death and the accused can be said to have committed the offence under **Section 306 of IPC.**” The proceedings were quashed in that case for the offence under Section 306 of IPC. Thus, in the absence of any prima facie case against the accused they were entitled for release on anticipatory bail and conditional bail was granted to the accused. Further, in a decision reported in **(2002) 5 Supreme Court Cases 371** in the case of **Sanju Alias Sanjay Singh Sengar Vs. State of M.P.** wherein the ingredients of Section 306 and 107 of IPC are explained. **“A quarrel was taken place between the appellant and the deceased in which the appellant was said to have told the deceased to go and die and the deceased found dead two days later. Held: Suicide was not proximate to the quarrel though**

the deceased was named in the suicide note. Hence, suicide was not the direct result of the quarrel when the appellant used abusive language and told the deceased to go and die.”

16. In the present case, the accused being a teacher by profession and deceased Akash was joined hostel on 11.06.2026 and he committed suicide on 18.06.2026 only within few days. The prima facie shows that, within eight days, no person can abuse and hurt, which would result to cause suicide. There is no direct nexus to the act of commission of suicide and alleged threat by this accused. Moreover, the petitioner runs education institution by taking proper licence and permission from concerned department following all procedure. The petitioner has also got an Vidyaratna Award in the year 2024. It clearly prima facie shows that, he has conscious about children's education and growth and their bright future and leading his institution as per law and duty. Further, the allegation against the

accused is that he has beaten the deceased child on the day of incident which led the child to commit suicide by jumping from the second floor of the school. This fact has to be proved in the trial. At this stage, the accused being a headmaster, has a responsibility to run the education institution and it appears that his presence is necessary in the said institution. Hence, taking into consideration the observations made in the citations referred above, the petitioner is entitled for regular bail. Further, the petitioner is ready to abide by any reasonable conditions that would be imposed by this Court. Hence, the petitioner is entitled for regular bail and I have answered the **Point No.1 in Affirmative.**

17. Point No.2: Upon discussion made above, I proceed to pass the following,

ORDER

The petition filed by the petitioner under Section 483 of Bharatiya Nagarika Surksha Sanhita, 2023 is hereby allowed.

The petitioner / accused is enlarged on regular bail on his executing a Personal Bond for a sum of ₹50,000/- with one surety for likesum in Crime No.96/2026 of Navalgund Police Station, Dharwad, for the offences punishable under Sections 352, 115(2) and 107 of B.N.S., 2023, subject to following conditions:

CONDITIONS

1. The petitioner / accused shall co-operate to respondent Police in the investigation.
2. The petitioner / accused shall not threaten or tamper the prosecution witnesses directly or indirectly.
3. The petitioner / accused shall appear before the Trial Court on all the hearing dates.

(Dictated to the stenographer directly on computer, typed by her, corrected, print out signed and then pronounced by me in open court on this 06th day of July, 2026.)

(Smt. POORNIMA N. PAI)
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.