

KARC060004602026



IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.

Crl. Misc. Nos.5201, 5205, 5206, 5207 & 5211/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur.

Dated this the 17th day of June, 2026

PETITIONER/S in Crl.Misc.No.5201/2026:-

Channabasanagouda @ C.B.Patil,
S/o.Veerabasanagouda, 45 years,
R/o.Diddigi village, Sindhanur Taluk,
Raichur Dist. Now R/o.H.No.7,
W.No.22, Shanthi Nagar, Devanahalli,
Bengaluru Rural.

(Accused No.2 as per FIR)
(By Shri F.F., Adv.,)

PETITIONER/S in Crl.Misc.No.5205/2026:-

1. Govardhan Soni, S/o.Narayanaji Soni,
62 years, Business, R/o.Marwadi Galli,
W.No.7, Sindhanuru, Sindhanur Taluk,
Raichur Dist.

2. Shivappa Javali, S/o.Pampanna, 37 years,
Agriculture, R/o.Beside Veerabhadreshwara
Temple, Old Bazaar, Dhangarwadi,
W.No.7, Sindhanuru, Sindhanur Taluk,
Raichur Dist.

(By Shri M.A.G., Adv.,)

PETITIONER/S in CrI.Misc.No.5206/2026:-

Naman @ Naman Kawda, S/o.Sanjay Kumar,
@ Sanjay Kawda, 26 years, Business,
R/o.Beside Badibase School, Dhanagar Wadi,
W.No.7, Sindhanur, Sindhanur Taluk,
Raichur Dist.

(Accused No.1 as per FIR)

(By Shri M.A.G., Adv.,)

PETITIONER/S in CrI.Misc.No.5207/2026:-

Pradeep A.V., S/o.A.Y.Venkatesh Babu,
42 years, Business, R/o.W.No.16,
Adarsha Colony, Sindhanur,
Sindhanur Taluk, Raichur Dist.

(By Shri M.A.G., Adv.,)

PETITIONER/S in CrI.Misc.No.5211/2026:-

Doddanagouda, S/o.Sharanappa Pagadidinni,
47 years, Agriculture, R/o.Near Anjaneya Temple,
Virupapur, Sindhanur Taluk, Raichur Dist.
Now R/o.Chandrama Nilaya, Butada Oni,
3rd Cross, Vadiraja Road, Udupi
Udupi Taluk & Dist.

(Accused No.3 as per FIR)

(By Shri F.F., Adv.,)

// Versus //

RESPONDENT COMMON IN ALL CASES:-

The State through SHO, Sindhanur Town P.S.,
Dist. Raichur.

(By learned Public Prosecutor)

COMMON ORDER

The petitions in CrI.Misc.No.5207/2026, 5211/2026 are filed under Section 483 of BNSS and whereas the petitions CrI.Misc.No.5201/2026, 5205/2026 and 5206/2026 are filed u/S.482 of BNSS., for regular bail and anticipatory bail respectively in connection with case in Cr.No.166/2026 registered by Sindhanur Town Police for the offences punishable under Sections 108, 351(2) of BNS.

2. The gist of the first information is that the complainant, Swapna, is the sister of the deceased, Pranesh Varnekar. The deceased was carrying on business at Sindhanur in the name and style of "Samartha Jewellers." It is stated that he had divorced his wife. The complainant is a resident of Hubballi. Manjula, the mother of the complainant and the deceased, along with Pranesh Varnekar, had visited the complainant's house at Hubballi. On 30.04.2026, Pranesh Varnekar returned to Sindhanur, while his mother continued to stay with the complainant at Hubballi. On 11.05.2026, the complainant attempted to contact her brother over telephone, but he did not answer the call. She thereafter requested an employee working in the jewellery shop of the deceased to ascertain his whereabouts. The employee went to the house of Pranesh Varnekar and found that he had committed suicide by hanging. The said

information was immediately conveyed to the complainant. Upon receiving the information, the complainant came to Sindhanur and saw the dead body of her brother. The police visited the scene of occurrence and conducted the necessary proceedings. It is alleged that a death note was found in the pocket of the pant worn by the deceased. In the said note, reference was made to another death note kept on a TV in the house. The police subsequently recovered the second death note as well. During the inquest proceedings, both death notes were seized by the Investigating Officer. According to the complainant, upon reading the contents of the death notes, it was revealed that accused No.1/Naman Kawda, accused No.2/C.B. Patil, and accused No.3/Doddanagouda, had failed to repay amounts allegedly due to the deceased. It was further alleged that they had created cheques and promissory notes and were blackmailing the deceased to make payments. The deceased had allegedly demanded repayment of the amounts from accused Nos.1 to 3 on several occasions, but instead of repaying the same, they threatened and mentally harassed him. Owing to such harassment, the deceased Pranesh Varnekar is stated to have committed suicide. Based on the said allegations, the FIR came to be registered on 11.05.2026. During the course of investigation, on 16.05.2026, the Investigating Officer arrested accused No.3/Doddanagouda, and one Pradeep, whose name does not find place in the FIR. Both of them were produced before the Court and have since been remanded to judicial custody. They have filed Crl. Misc. Nos.5211/2026 and 5207/2026, respectively, seeking regular bail. Accused No.1/Naman Kawda, has filed Crl. Misc. No.5206/2026, and accused No.2/C.B. Patil, has filed Crl. Misc. No.5201/2026

seeking anticipatory bail. The petitioners in CrI. Misc. No.5205/2026, whose names do not appear in the FIR, have also approached this Court seeking the relief of anticipatory bail.

3. Since all the petitions arise out of the same crime number, they are clubbed together and taken up for common consideration.

4. In each of the petitions, the prosecution has filed objection statements. In the objections, the allegations shown in the first information are narrated. It is contended that there is prima facie case against the petitioners for the offence u/S.108 of BNS. If the petitioners are released on bail, they may not co-operate with the investigation and they may threaten the prosecution witnesses. The custodial interrogation of the petitioners in CrI.Misc.No.5201, 5205 and 5206/2026 is required. On these amongst other grounds, the prosecution prayed to reject all the petitions.

5. At the time of hearing the parties, the court was of the opinion, that two death notes recovered by the Investigation Officer are necessary for decision of the petitions. Therefore, direction was given to the prosecution to produce death notes. The prosecution has produced the death notes which are sealed. By exercising the jurisdiction u/S.497 of BNSS, the copies of both death notes are taken by this court in these proceedings.

6. The learned counsels appearing for the petitioners vehemently argued that the allegations made in the first information and the death notes, even if accepted at their face value, merely disclose a dispute relating to non-payment of money and failure to return certain cheques and promissory notes. Such allegations do not

constitute the offence punishable under Section 108 of the BNS. The offence alleged against the petitioners is not punishable with death or imprisonment for life. Accused Nos.1 and 2, as well as the petitioners in Crl. Misc. No.5205/2026, are permanent residents and there is no likelihood of their absconding or evading the process of law. The custodial interrogation of the said petitioners is not necessary for the purpose of investigation. The petitioners have expressed their willingness to cooperate with the Investigating Officer and have undertaken to appear before the Court as and when required and to abide by any conditions that may be imposed. At the stage of consideration of bail applications, the Court is not expected to undertake a detailed examination of the contents of the alleged death notes or adjudicate upon their evidentiary value. Such matters are required to be considered during the course of trial after the evidence is adduced by the parties. On these grounds, the learned counsel prayed that the petitioners be enlarged on bail by allowing the respective petitions. The learned counsel for the petitioners in Crl.Misc.No.5201 and 52011/2026 has relied upon the following decisions; 1) Smt.Mangala Gowri Vs., State of Karnataka by Bannerugatta P.S., 2) 2026 LiveLaw (SC) 270 (Dhirubhai Nanjibhai Patel Lotwala Vs., State of Gujarat & Another) and 3) Mr.Manjunath M Vs., State of Karnataka represented by PP. The learned counsel for the petitioners in Crl.Misc.No.5205, 5206 and 5207/2026 has relied upon the following decisions; 1) Prakash and others Vs., The State of Maharashtra and Another, 2) Sivasubramanian S., Vs., The State of Karnataka, by Yelahanka New Town Police and The State of Karnataka by Channapatna Town PS., 3) 2019SCC OnLine Kar 2096 (Noushad Ahmed Vs., State

by Cantonment Railway Nagar Police Station), 4) Komala Rathod Vs., State by Rajajinagar police station by PP, 5) Sri Kirana @ Kiran Rathod & Another Vs., State of Karnataka by Bilikere PS.

7. The learned Public Prosecutor has argued that the custodial interrogation of accused No.1, 2 and the petitioners in Crl.Misc.No.5205/2026 is necessary for recovery of money and gold belongs to the deceased. If they are released on anticipatory bail, they may not co-operate with the investigation and it is very difficult to recover the gold and cash belonging to the deceased. He has submitted that if the petitioners are released on bail, they may tamper the prosecution witnesses. The petitioners may not appear before the court regularly. They may not co-operate with the investigation. On these main grounds, he prayed to reject the petitions.

8. I have carefully perused the records.

9. The points that arise for my consideration are;

1. Whether the petitioners in Crl.Misc.No.5207/2026 and 5211/2026 are entitled for regular bail under Sec.483 of B.N.S.S. ?

2. Whether the petitioners in Crl.Misc.No.5201/2026 and 5206/2026 is entitled for anticipatory bail under Sec.482 of B.N.S.S. ?

3. Whether the petitioners in Crl.Misc.No.5205/2026 and are entitled for anticipatory bail under Sec.482 of B.N.S.S. ?

10. My findings to the above said points are as under;

Point No.1 - In the affirmative,

Point No.2 - In the negative,

Point No.2 - In the affirmative, for the following;

:: REASONS ::

11. **Point No.1 to 3:-** The averments made in the complaint disclose that the deceased, Pranesh Varnekar, was carrying on business in the name and style of “Samartha Jewellers” at Sindhanur and had engaged employees in his establishment. It is further revealed that he had visited Hubballi and stayed at the residence of his sister and thereafter returned to Sindhanur on 30.04.2026. On 11.05.2026, he committed suicide by hanging in his house.

12. The inquest panchanama produced by the prosecution reveals that a death note was found in the pant pocket of the deceased and the same was seized by the police. The said death note contained a reference that another death note had been kept on the TV table in the house. Acting upon such information, the Investigating Officer recovered the second death. Both the death notes were seized and sealed by following the procedure prescribed under Section 497 of the BNSS without obtaining photocopies thereof.

13. In the first death note recovered from the pant pocket of the deceased, serious allegations have been levelled against accused No.1,/Naman Kawda. It is alleged that accused No.1 cheated the deceased in business transactions to the extent of Rs.1,85,00,000/- and retained 850 grams of gold belonging to the deceased.

It is further alleged that accused No.1 neither repaid the amount nor returned the gold and thereby subjected the deceased to continuous harassment. Allegations are also made against accused No.2/C.B. Patil, to the effect that he extorted Rs.20,00,000/- from the deceased and, when repayment was demanded, he harassed the deceased. The death note repeatedly attributes responsibility to accused Nos.1 and 2 and states that they had ruined the life of the deceased and were responsible for his death.

14. In the second death note, the names of accused Nos.1 and 2 are again mentioned and allegations of cheating and harassment are reiterated against them. Apart from these allegations, the name of one Pradeep, who is not shown as an accused in the FIR and who is the petitioner in Crl. Misc. No.5207/2026, also appears in the said note. It is alleged that Pradeep, who was running a shop at Sindhanur, represented himself as an influential person associated with an organisation, obtained a cheque for Rs.5,50,000/- from the deceased and thereafter blackmailed him for payment of money.

15. The second death note also contains references to certain other individuals. However, the names of the petitioners in Crl. Misc. No.5205/2026 do not find place in either of the death notes.

16. The death notes constitute the foundational material on the basis of which the allegations in the first information have been made. In fact, the FIR itself is substantially founded upon the contents of these two death notes. Therefore, for the

limited purpose of examining the nature of the allegations and the prima facie involvement of the accused, this Court is required to look into the contents of the death notes. As rightly observed, there is no prohibition under Section 482 of the BNSS from considering such material at the stage of deciding a bail application. The death notes throw considerable light on the allegations made in the FIR and on the circumstances leading to the death of Pranesh Varnekar. Accordingly, the contents of the death notes have been taken into consideration.

17. Upon a careful reading of both the death notes, it is evident that repeated and serious allegations have been made against accused No.1, Naman Kawda, and accused No.2, C.B. Patil. The allegations are of such a nature as to prima facie indicate conduct which allegedly drove the deceased to commit suicide. At this stage, the contents of the death notes disclose a prima facie case of abetment against accused Nos.1 and 2. On the other hand, although the name of Pradeep appears in the second death note, the names of Govardhana Soni and Shivappa, who are the petitioners in CrI. Misc. No.5205/2026, do not appear in either of the death notes. Consequently, there is presently no material against them to attract the offence punishable under Section 108 of the BNS.

18. The prosecution has specifically contended that cash and gold belonging to the deceased are yet to be recovered from accused Nos.1 and 2, as indicated in the death notes, and that their custodial interrogation is necessary for an effective investigation. Having regard to the serious allegations levelled against accused Nos.1

and 2, this Court is of the opinion that, if they are enlarged on anticipatory bail at this stage, the investigation may be adversely affected. The Investigating Officer may be deprived of an opportunity to collect relevant evidence necessary to establish the offence punishable under Section 108 of the BNS. Therefore, the custodial interrogation of accused Nos.1 and 2 appears to be necessary.

19. Insofar as accused No.3, Doddanagouda, and Pradeep are concerned, they have already been arrested and subjected to custodial interrogation. They are presently in judicial custody. Their continued detention in judicial custody does not appear to be necessary either for the purpose of investigation or trial. Their presence can be secured as and when required, as they are residents within the jurisdiction of this Court. Therefore, they are entitled to the benefit of regular bail.

20. In respect of the petitioners in Crl. Misc. No.5205/2026, there are no specific allegations against them in either of the death notes. Consequently, their custodial interrogation does not appear to be necessary. At this stage, no prima facie case is made out against them for the offence alleged. If they are arrested, they would be subjected to unnecessary humiliation. The apprehensions expressed by the prosecution can adequately be safeguarded by imposing appropriate conditions directing them to cooperate with the investigation.

21. Though the offence punishable under Section 108 of the BNS is not punishable with death or imprisonment for life, the nature of punishment prescribed is

not the sole criterion for granting or refusing bail. While exercising jurisdiction under Section 482 of the BNSS, the Court is required to consider the nature of the allegations, the gravity of the offence, the role attributed to each accused, and the requirements of investigation. In the present case, this Court is of the considered opinion that custodial interrogation of accused Nos.1 and 2 is necessary for a fair and effective investigation. If they are enlarged on anticipatory bail at this stage, there is a reasonable apprehension that they may not cooperate with the investigation, may attempt to influence material witnesses, and may obstruct the collection of evidence. Therefore, accused Nos.1 and 2 are not entitled to the relief of anticipatory bail.

22. The Hon'ble High Court of Karnataka in the matter of Mangala Gowri Vs., State of Karnataka (CrI.A.No.276/2023) has observed that to prove the offence u/S.306 of IPC, the prosecution has to prove that there was mens rea to the accused to instigate the deceased to commit suicide.

23. The Hon'ble Supreme Court in 2026 LiveLaw (SC) 270 on facts has held that there was no material to indicate that the deceased was beaten or physically assaulted to return the dues and therefore, the proceedings was quashed.

24. The Hon'ble High Court of Karnataka in the matter of Mr.Manjunath M., Vs., State of Karnataka (CrI.P.No.9308/2025), in the matter of Sivasubramanian S., Vs., State of Karnataka and Another (CrI.P.No.8764/2021), in the matter of Komala Rathod Vs., State (CrI.P.No.600/2019) and in the matter of Kirana @ Kiran Rathod and

Another Vs., State of Karnataka (Crl.P.No.6976/2025) has granted bail to the accused on facts of those cases.

25. The Hon'ble Supreme Court in the matter of Prakash and Others Vs., State of Maharashtra and Another has observed that mere telling "to go and die" does not constitute an offence of abetment. In the present case, there is no allegation that the petitioners have asked the deceased to die.

26. After careful perusal of all the decisions referred above, I am of the opinion, that those decisions are not helpful to accused No.1 and 2 to get anticipatory bail since the facts of this case are totally difference which has been narrated above.

27. For the reasons stated above, I hold that the petitioners in Crl.Misc.No.5201/2026 and 5206/2026 are not entitled for anticipatory bail. The petitioners in Crl.Misc.No.5205/2026 are entitled for anticipatory bail. The petitioners in Crl.Misc.No.5207/2026 and 5211/2026 are entitled for regular bail. Accordingly, the points under consideration are answered and I proceed to pass the following:

ORDER

The bail petitions in Crl.Misc.No.5201/2026 and 5206/2026 filed by the petitioners under Section 482 of BNSS, are hereby rejected.

The bail petition in Crl.Misc.No.5205/2026 filed by the petitioners under Section 482 of BNSS, is hereby allowed.

The Sindhanur Town Police are directed to release the petitioner in CrI.Misc.No.5205/2026 on anticipatory bail, in the event of their arrest in Cr.No.**166/2026**, on executing a personal bond for a sum of Rs.50,000/- each with one surety for the like-sum, subject to the following conditions;

1. They shall surrender before concerned court within 15 days from the date of this order and execute personal & surety bonds.
2. They shall furnish ID proof of themselves and surety.
3. They shall co-operate with investigation.
4. They shall not tamper or threaten the prosecution witnesses.

The bail petitions in CrI.Misc.No.5207/2026 and 5211/2026 filed by the petitioners under Sec.483 of BNSS, are hereby allowed.

The petitioners are ordered to be released on bail in Cr.No.166/2026 of Sindhanur Town police station on execution of personal bond for Rs.50,000/- each with one surety for like sum on the following conditions;

1. They shall furnish ID proof of themselves and surety.
2. They shall not tamper with or threaten the prosecution witnesses.
3. They shall appear before the Court regularly.

(Dictated to the Steno Grade-I, transcribed by her, corrected, signed and then pronounced by me in the open court, on this the 17th day of June, 2026.).

(B. B. Jakati)

**III Addl. District & Sessions Judge, Raichur,
Sitting at Sindhanur.**