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**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE, UTTARA KANNADA, KARWAR**

DATED THIS THE 27th DAY OF JANUARY, 2026

SESSIONS CASE NO.4/2024

PRESENT: **Sri MAYANNA. B. L.,**
B.A., LL.B.,
II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.

COMPLAINANT: The State of Karnataka
Through Murdeshwar Police Station
Rep. by Public Prosecutor,
Uttara Kannada, Karwar.

ACCUSED: Vs.
Lokesh Subba Naik
S/o Subba Narayan Naik
Age: 35 years,
R/o: Nadavara Keri,
Mavalli – 2 Village, Bhatkal Taluk,
Uttara Kannada.

(By Shri.RKM, Advocate)

ORDER

The Accused has filed the bail Application under Section 439 of Cr.P.C., seeking regular bail for the offences punishable under Section 302 of IPC.

2. The Accused has contended that he is alleged to have committed offences under Section 302 of the IPC. He submits that, he has not committed the offences alleged against him.

The Accused person was arrested on 18/10/2023. The Complaint came to be lodged by Mr. Ramdas Mahadev Shetty, Pigmy Collector, before the Murdeshwar Police Station. Later spot mahazar, inquest Mahazar and other Mahazars was conducted and Postmortem was also done. After investigation of the case, Chargesheet came to be filed in the case. Earlier to this, the bail application filed on behalf of the Accused persons was rejected by this Hon'ble Court. Later the Hon'ble High Court of Karnataka sitting at Dharwad also rejected the bail application, filed by the Accused person. However, the Accused person was given to liberty to file fresh bail application after the examination of eye witnesses. The order dated 03/07/2024 in Criminal Petition No.101885/2024 is produced herewith. Now the Trial has commenced and the alleged eye witnesses are already examined and the case is posted for further trial on 29/01/2025. The alleged eye witnesses PW-1 Kumari Snatithya Lokesh Naik, PW-3 Ramdas Mahadev Shetty, PW-4 Rajeshwari Naik, PW-5 Smt. Hemalatha Gudigar have turned hostile. None of the witnesses examined has supported the case. There is absolutely no evidence against the Accused person. No useful purpose will be served by keeping the Accused person in custody, as charge sheet is already filed and material witnesses are examined. The Accused has family ties and roots in the society. He has to look after his daughters and also their old aged parents. He is the sole bread earner of his family. He undertakes that he will remain present as and when required by the Court and also ready to

abide by the terms and conditions that may be imposed by this Court. Hence, prayed to allow the bail Application and grant the bail.

3. The learned Public Prosecutor has filed objections contending that the bail Application filed by the Accused is contrary to law and hence, same is liable to be dismissed. It is contended in the objection that the Accused and deceased are the husband and wife. The Accused used to suspect the character of the deceased for the last one year and started quarrel with the deceased and hence, the deceased left the house of Accused. As such, the Accused was unhappy with the deceased and having enmity with the deceased and took house on rental in Murdeshwar and brought her to the rented house and again the Accused suspected on his wife for using the mobile phone and on 17/10/2023, at 7.15 p.m., quarreled with the deceased and assaulted on her with sickle and as such, the wife of the Accused has lost her life. The alleged offence is non-bailable and punishable with death or imprisonment for life. There is a material evidence on record, against the Accused and if the Accused is released on bail, there is chance of abscondence, he may threaten the witnesses and may delay the trial. There are no valid grounds to grant bail to the Accused and hence, prayed to dismiss the bail Application.

4. Heard the arguments of the learned counsel for the Accused and learned Public Prosecutor.

5. The Points that arise for consideration of the Court are as under:

1. Whether the bail Application filed by the Accused under Section 439 of Cr.P.C, deserves to be allowed ?
2. What Order ?

6. The findings of the Court on the above points are as under:

Point No.1: In the Negative.

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

REASONS

7. **Point No.1**: Perused the bail Application, objections filed by the PP and also perused the charge sheet material. The allegation that, the Accused and deceased are the husband and wife, the Accused was suspecting the character of the deceased and used to quarrel with the deceased and hence, the deceased left the house of the Accused and hence, the Accused was having animosity against the deceased and thereafter, somehow he called the deceased to Murudeshwar and had discussion with her and also took a rented house at Murudeshwar and brought her to the said rented house. Such being on 17/10/2023, at 7.15 p.m., the Accused quarrelled with his wife for using the mobile phone and assaulted on his with sickle and committed the murder of his wife. Pursuant to the registration of FIR, the Police have arrested the

Accused on 18/10/2023 and he is in judicial custody from the date of arrest. The Police have investigated the matter and have filed the charge sheet and now the trial is going on.

8. It is relevant to mention here that on earlier occasion also, this Accused has moved the bail application and this Court has rejected the said bail application on 20/04/2024. Thereafter, the Accused had approached the Hon'ble High Court of Karnataka in Crl. Petition No.101885/2024 seeking bail and upon hearing him, the Hon'ble High Court has dismissed the bail petition as follows:

9. Having heard the learned Counsel for the respective parties and also perused the averments of the charge sheet, it appears from the record that the Petitioner was not in good terms with his wife and they were quarelling with each other for petty reasons. Being frustrated by the act of the Petitioner, she left the house and thereafter, she found in the Police Station at Birur.

10. It is further mentioned in the charge sheet that the Petitioner was unhappy about her elopement. The Petitioner with intention to commit murder, brough her to the rented house and quarellled with her and killed her. Since, he has committed heinous offence and there are eye

witnesses to the incident, it is not appropriate to grant him bail.

9. The learned Counsel for the Accused has stated that while disposing the above petition, the Hon'ble High Court has granted liberty to file fresh bail application, after the examination of eye witnesses. However, from the perusal of the above order, there is no such liberty was granted by the Hon'ble High Court of Karnataka and hence, the Petitioner has made false submission before the Court.

10. It is further relevant to mention here that, though charge sheet is filed, the prosecution has examined 8 witnesses. However, all the material witnesses are not examined and the trial is going on. According to the prosecution, the Complainant and CW-10 to 12 have heard the screaming sound of the deceased and when they came out from their house, they saw that the deceased was fell down on the road with blood injuries and the Accused was ran away from the spot. However, CW-10 is not yet examined. Though investigation is completed and charge sheet is filed, from the charge sheet material, there is prima facie that the Accused has committed the alleged offence. Further, the Police have recorded the statement of the Accused and based on his statement, the Police have seized the sickle. As per the Inquest Panchanama, there are cut injuries on the body of the deceased.

11. Further, the offence under Section 302 is serious in nature and all the material witnesses are not examined. As such, if the Accused is released on bail at this stage, there is chance of threatening the witnesses of Prosecution and also chances of tampering the evidence, cannot be ruled out. Therefore, by keeping in mind the nature of offence and allegation made against the Accused, this Court is of the opinion that it is necessary to reject the bail Application of Accused. On these observations, this Court proceeds to hold the above Point No.1 in the Negative.

12. **Point No.2**: For the reasons, discussed in the above point No.1, this Court proceeds to pass the following:

ORDER

The bail Application filed by the Accused
under Section 439 of Cr.P.C., is hereby rejected.

(Dictated to the stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the open court on this the 27th day of January, 2026.)

(MAYANNA. B.L.)
2nd Addl. District & Sessions Judge,
Uttara Kannada, Karwar.