



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 15 OF 2026

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

BETWEEN:

SRI. ABIN BABY
S/O SRI.K.C.BABY,
AGED ABOUT 28 YEARS,
RESIDING AT HOME STAY,
SRY LAYOUT PHASE-2, VADDARAPALYA,
ANEKAL, JIGANI HOBLI,
ANEKAL TALUK, BENGALURU – 562 106

PERMANENTLY RESIDING AT
KARICKAL HOUSE, KOYAPALLI VILLAGE
MANNARAKAYAM POST,
KANJI PALLY POST,
KOTTAYAM DIST. KERALA – 686 507.

Digitally
signed by
PAVITHRA
N
Location:
High
Court of
Karnataka

...PETITIONER

(BY SRI. SATISH V., ADVOCATE)



AND:

STATE OF KARNATAKA
BY BANNERUGHATTA POLICE STATION,
REPRESENTED BY
THE LEARNED SPP,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.

...RESPONDENT

(BY SRI. HARISH GANAPATHY., HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO ALLOW THIS PETITION AND ORDER FOR RELEASE
THE PETITIONER ON BAIL WHO IS AN ACCUSED IN
CRIME.NO.71/2025 REGISTERED BY THE BANNERUGHATTA PS
AND SAME PENDING ON THE FILE OF HONBLE III ADDL.
DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL
DISTRICT SIT AT ANEKAL IN S.C.NO.5075/2025 FOR THE
OFFENCE PUNISHABLE UNDER SECTION 105 AND 238 OF THE
BHARATIYA NYAYA SANHITA, 2023 WITH CONDITIONS AS
DEEMED FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. This Criminal Petition is filed by the petitioner seeking regular bail in Crime No.71/2025, filed by the respondent-Police for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (*for short BNS*).

Factual matrix of the case:

2. The case of the prosecution is that one Smt. Marykutty had lodged a complaint stating that she was residing along with her family in the address stated in the complaint. On 09.03.2025 around 07.00 a.m. one Abin Baby, who is a friend of the son of the complainant, called over the phone and informed that her son had sustained injuries to his head accidentally and he was admitted to the hospital. Immediately, the complainant went to NIMHANS hospital and found that her son had sustained injuries to the head and he was under treatment. The Doctor advised the complainant that the brain of her son was not functioning properly and it is



considered as brain dead. Therefore, she was asked to donate the parts of the body of her son. On 11.03.2025, around 11.00 p.m. the complainant agreed to donate the organs of the body of her son. On 12.03.2025 around 08.05 a.m. the Doctor declared that her son has dead.

3. Thereafter, it is learnt that the petitioner had financial transactions with her son. The deceased had purchased a new mobile phone without paying the loan which he had borrowed from the petitioner. There was a quarrel between the deceased and the petitioner. It is alleged that the petitioner had assaulted on the head of the deceased with legs and banged his head to the wall. Consequently, the deceased had sustained injuries. Immediately, he was shifted to the hospital for treatment. However, he did not survive. Based on the said complaint, the respondent-Police registered a case, conducted investigation and submitted the charge-sheet.



4. Heard Sri. Satish V., learned counsel for the petitioner and Sri. Harish Ganapathy, learned High Court Government Pleader for respondent.

5. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences. In fact, the son of the complainant died accidentally by way of falling in the bathroom. However, a false case has been registered against the petitioner in order to implicate the petitioner in a murder case. According to the complainant the alleged incident had taken place on 09.03.2025. However, complaint was registered on 16.03.2025 i.e., after lapse of six (06) days. The petitioner is aged about 28 years and permanent resident of Kerala. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions learned counsel for the petitioner prays to allow the petition.

6. Per Contra, learned High Court Government Pleader for respondent – State vehemently submitted that



the petitioner has committed heinous offence. There are two eyewitnesses to the incident. If the petitioner is enlarged on bail, there may be chances of threatening the prosecution witnesses or absconding from the case. Therefore, it is not appropriate to grant him bail. Making such submissions learned High Court Government Pleader for respondent – State prays to reject the petition.

7. Heard learned counsel for the respective parties and perused the averments of the complaint. It appears from the record that CW-2 and CW-3 are the eye-witnesses to the incident. Petitioner has allegedly assaulted the deceased and banged his head to the wall and caused severe injuries. However, the so called eye-witnesses did not choose to lodge a complaint against the petitioner immediately after the incident. But, the complaint is lodged on 16.03.2025 i.e., after lapse of six (06) days. The averments of the charge-sheet create a doubt. Hence, it is appropriate to grant bail to the petitioner.



8. Hence, I proceed to pass the following:

ORDER

- i. This Criminal Petition is ***allowed.***
- ii. The petitioner is ordered to be enlarged on bail in Crime No.71/2025, filed by the respondent-Police for the offence punishable under Section 105 and 238 of the Bharatiya Nyaya Sanhita, 2023, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one (01) local surety to the like sum of the satisfaction of the Trial Court.
- iii. The petitioner shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.



- iv. The petitioner shall appear before the Trial Court on all hearing dates, without fail.
- v. The petitioner shall not indulge in any criminal cases till disposal of the case.
- vi. The petitioner shall not leave the jurisdiction of the Court till the disposal of the case.

In case, the petitioner violates any of the bail conditions mentioned above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM