



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 186 OF 2026 (439(Cr.PC) /

483(BNSS))

BETWEEN:

1. MOHAMMAD ABU TALAH
@ SHEK TALAHA
S/O. SHEK REHAMATHULLA,
AGED 22 YEARS,
OCC TAILS WORK,
R/AT COWSAR MASZID CIRCLE,
1ST CROSS,
CHANNAGIRI TOWN,
DAVANAGERE DIST. - 577213

...PETITIONER

(BY SRI. S G RAJENDRA REDDY.,ADVOCATE)



AND:

1. THE STATE BY CHANNAGIRI POLICE
DAVANAGERE DIST.
RPTD. BY S.P.P.,
HIGH COURT BUILDING,
BENGALURU 560001.

...RESPONDENT

(BY SRI.MOHD. AYUB ALI, ADDL. SPP)



THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.177/2025 OF CHANNAGIRI POLICE STATION DAVANAGERE DISTRICT PENDING ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN SC NO.116/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 103(1), 61(2), 238, 3(5) OF BNS 2023.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.3 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant bail in SC No.116/2025 arising out of Crime No.177/2025 of Channagiri Police Station pending on the file of the learned II Additional District and Sessions Judge, Davanagere registered for the offences punishable under Sections 103(1), 61(2), 238, 3(5) of Bharatiya Nyay Sanhita, 2023.

2. Heard the learned counsel for petitioner and the learned Additional State Public Prosecutor for respondent/State.



3. The learned counsel for petitioner would contend that there are no eye witnesses to the incident, and the case of the prosecution is based on circumstantial evidence. One of the circumstances is that CW12 to CW15 have last seen the accused Nos.1 to 3, and seen together near Kalayana Mantapa at 10.00 p.m., and there is recovery of knife at the instance of this petitioner from open place. He further submits that as the case of the prosecution is based on circumstantial evidence, it is for the prosecution to prove each and every circumstances at the trial. As the charge sheet is filed, the petitioner is not required for further custodial interrogation. There are no criminal antecedents of the petitioner. With this, he prayed to allow the petition.

4. Per contra, the learned Additional State Public Prosecutor for respondent/State would contend that CW12 to CW15 have last seen the accused Nos.1 to 3 with the deceased near Kalyana Mantapa at 10.00 p.m., and the dead body was found on the spot at about 02.00 a.m.



There is recovery of a knife at the instance of this petitioner from a land under a mahazar. The charge sheet materials show that there is a prima facie case against the petitioner for the offences alleged against him. With this, he prayed to reject the petition.

5. Having heard the learned counsel, the Court has perused the charge sheet and other materials placed on record.

6. As per charge sheet, the accusation against the accused persons is that accused Nos.1 to 3 on 01.04.2025 took the deceased at about 10.30 p.m. after the marriage, and at about 10.45 p.m., the accused Nos.1 to 3 have assaulted him with knife and caused his death. There are no eyewitnesses to the incident, and the case of prosecution is based on circumstantial evidence. One of the circumstances is that CW12 to CW15 have seen the accused Nos.1 to 4 taking the deceased near the Kalyana Mantapa at 10.30 p.m. There is recovery of knife at the



instance of this petitioner under a mahazar. As the case of the prosecution is based on circumstantial evidence, the prosecution has to prove each of the circumstances at the trial. As the charge sheet is filed, the petitioner is not required for further custodial interrogation. There are no criminal antecedents of the petitioner.

7. Considering the above aspects, the petitioner has made out a case for grant of bail with conditions.

In the result, the following:

ORDER

- i) The petition is allowed.
- ii) The petitioner is granted bail in SC No.116/2025 arising out of Crime No.177/2025 of Channagiri Police Station pending on the file of the learned II Additional District and Sessions Judge, Davanagere registered for the offences punishable under Sections 103(1), 61(2), 238, 3(5) of Bharatiya Nyay Sanhita, 2023 subject to following conditions.



a) The petitioner shall execute bail bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Trial Court.

b) The petitioner shall not tamper the prosecution witnesses either directly or indirectly.

c) The petitioner shall attend the Trial Court on all dates of hearing unless exempted and cooperate for speedy disposal of the case.

d) The petitioner shall not involve in commission of any offence. If he is found involved in commission of any offence, the prosecution is at liberty to seek cancellation of bail granted to him.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 47