



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 7775 OF 2025 (439(Cr.PC)

/ 483(BNSS))

BETWEEN:

1. SIBHABAHDUR
S/O DIPUBHADUR
AGED ABOUT 21 YEARS,
R/AT NO: ADRA VILLAGE,
PURULIAADRA,
WEST BENGAL STATE
PURILIA,
WEST BENGAL-723101.

...PETITIONER

(BY SRI. RAKSHITH R., ADVOCATE)

AND:

1. STATE BY ATTIBELE P S
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001.

...RESPONDENT

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

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO RELEASE THE PETITIONER ON BAIL IN CR.NO.324/2023 OF RESPONDENT ATTIBELE P.S. BENGALURU PENDING ON THE FILE OF THE HONBLE COURT III ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT SIT AT ANEKAL IN S.C.NO.5023/2025 FOR





THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 302, 201 OF IPC.

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.1 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant bail in Crime No.324/2023 of Attibele Police Station registered for the offences punishable under Sections 302, 201 of IPC pending in SC No.5023/2025 on the file of the learned III Additional District and Sessions Judge, Bengaluru Rural District sitting at Anekal.

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 the entire case of the prosecution is based on circumstantial evidence. The alleged incident has taken place on 14.08.2023, and the petitioner has been arrested



on 09.09.2024, that is, after more than one year. There was no investigation during the said one year after the alleged date of incident. CW6 is stated to have seen the petitioner and the deceased together on 14.08.2023 and he recorded the said aspect in his mobile. The other circumstances is that the mobile used by the deceased has been seized at the instance of this petitioner. As the charge sheet is filed, the petitioner is not required for further custodial interrogation. There are no criminal antecedents of the petitioner. As the case of the prosecution is based on circumstantial evidence, the prosecution has to prove each of the circumstances at the trial. With this, he prayed to allow the petition.

4. Per contra, the learned Additional State Public Prosecutor for respondent/State would contend that the doctor, who conducted the examination of the dead body of the deceased, has opined that the death is due to third degree burns, is possible. CW6 is a staff in the bar, who saw the accused and deceased together on 14.08.2023,



and recorded their movements on his mobile phone, and the said video clip was copied onto a CD and seized by the Investigating Officer under a mahazar. The mobile phone used by the deceased has been seized at the instance of this petitioner under a mahazar. The charge sheet materials show 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 case of the prosecution is that the deceased was talking about the ill of the younger sister of the petitioner. Enraged by the same, the petitioner took the deceased, both of them purchased alcohol in the bar in which CW6 is working and went to the spot at the time of consuming alcohol, as the deceased talked about the ill of his younger sister, the



petitioner has pressed his neck. Thereafter put the wood and leaves over the body and set on fire with the lighter, and took away the mobile of the deceased and threw the lighter into the fire.

7. The entire case of the prosecution is based on circumstantial evidence. The two circumstances are that the deceased and the petitioner have been seen together by CW6 near the bar. They purchased liquor and he has recorded the same in his mobile phone. The other circumstances is the seizure of mobile used by the deceased at the instance of this petitioner. It is submitted that no material is produced to show that the mobile phone seized at the instance of this petitioner has been used by the deceased. As the case of the prosecution is based on circumstantial evidence, the prosecution has to establish each of the circumstances at the trial. The petitioner is in judicial custody since 9.9.2024 and as the charge sheet is filed, he is not required for further



custodial interrogation. There are no criminal antecedents of the petitioner.

8. 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.5023/2025 pending on the file of the learned III Additional District and Sessions Judge, Bengaluru Rural District sitting at Anekal arising out of Crime No.324/2023 of Attibele Police Station registered for the offences punishable under Sections 302, 201 of IPC subject to following conditions.

a) The petitioner shall execute personal 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.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 2 Sl No.: 2