



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**CRIMINAL PETITION NO. 15418 OF 2025 (439(Cr.PC) /**

**483(BNSS))**

**BETWEEN:**

SANJAY H B  
S/O BOMMEGOWDA  
AGED ABOUT 21 YEARS,  
R/AT HALLITIMPALURA VILLAGE,  
HANDAKERE POST, C N HALLI TQ  
TUMKURU DIST,  
TUMAKURU KARNATAKA

(JUDICIAL CUSTODY)

...PETITIONER

(BY SRI. UTSAV GOWDA P. S., ADVOCATE)

Digitally  
signed by  
NARAYANA  
UMA  
Location:  
High Court  
of  
Karnataka





**AND:**

STATE OF KARNATAKA  
BY PANCHANAHALLI P.S.  
CHIKKAMAGALURU  
REP BY SPP  
HIGH COURT OF KARNATAKA  
BENGALURU – 560 001

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)  
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS  
HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE  
PETITIONER ON REGULAR BAIL IN CR.NO.18/2025  
REGISTERED BY THE PANCHANAHALLI POLICE FOR THE  
OFFENCE P/U/S 103(1), 238 OF BNS AND AFTER COMMITTAL  
IN S.C.NO.76/2025 NOW WHICH IS PENDING ON THE FILE OF  
II ADDL. DISTRICT AND SESSION JUDGE AT  
CHIKKAMAGALURU, IN THE INTEREST OF JUSTICE.

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



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

**ORAL ORDER**

The petitioner/sole accused is before this Court seeking for grant of regular bail in S.C.No.76/2026 (arising out of Crime No.18/2025) pending on the file of II Additional District and Sessions Judge, Chikkamagaluru for the offence under Sections 103(1), 238 of the Bharatiya Nyaya Sanhita, 2023.

**Brief facts of the case:**

2. The case of the prosecution is that, Gangadharegowda was having 30 acres of land, 22 shops and 3 houses at Panchanahalli Village, Kadur Taluk. The said Gangadharegowda had two wives. Drakshayini was his 1<sup>st</sup> wife having one daughter namely, Pramila and Sunandamma was the 2<sup>nd</sup> wife having four children namely, Nirmala, Nagarathna, Siddaramegowda (dead) and Manjunath. There was a dispute in respect of the properties of the deceased Gangadharegowda. On 12.10.2016, the Panchayath was held for the purpose of partition of the property in the presence of CWs.1, 3 and 6. However, deceased Siddaramegowda refused to sign the said



partition deed and went away. Thereafter, CW.2 filed a suit before the Civil Judge at Kadur, which is numbered as OS.No.12/2017 and the same is pending for consideration. It is further stated that the petitioner-Sanjay is the son of Nirmala who is the elder sister of the deceased. On the date of alleged incident i.e., on 14.03.2025 at about 06.30 p.m., he had visited personally to the house of the deceased and took the deceased along with him on his motorcycle bearing registration No.KA-02H-3976. It is alleged that he had killed his uncle by strangulation.

3. A complaint came to be registered by the relative of the deceased, namely Umapathi P.M. Based on the complaint, the respondent-police have registered FIR in Crime No.18/2025 of Panchanahalli Police Station for the offence punishable under Sections 103(1) and 238 of BNS, 2023. After conducting investigation, submitted the charge sheet.

4. Heard Sri.Suresh P.E., learned counsel for the petitioner and Sri.Rangaswamy R., learned High Court Government Pleader for respondent-State.



5. It is the submission of the learned counsel for the petitioner that, the entire case is based on circumstantial evidence. The complainant is also one of the witnesses to say about the last seen theory. CW.7 has also stated the same thing. Merely because, there is a dispute between the family members i.e. the petitioner and the deceased in respect of property, that would not be sufficient to implicate the petitioner in a murder case.

6. It is further submitted that the petitioner is innocent of the alleged offence and is aged 21 years. In fact, his statement has not been recorded properly by the Investigating Officer. He is studying Diploma Pharmacy and he is having psychiatrist complications. Therefore, he may be enlarged on bail by imposing suitable conditions. He will abide the conditions imposed by this Court in the event of his release on bail. Making such submissions, he prays to allow the petition.

7. *Per contra*, the learned High Court Government Pleader for respondent-State vehemently submitted that the present petitioner is the sole accused in this case. He is the



relative of the deceased. The motive behind the said murder is in respect of the properties belongs to the grandfather of the petitioner. CW.7 and the complainant are the two witnesses to state about the last scene theory. The wire used for the drip irrigation has been seized at the instance of the petitioner.

8. It is further submitted that the death is due to strangulation. The circumstances clearly pointing out towards the petitioner. Hence, it is not appropriate to grant him bail. Making such submissions, he prays to reject the petition.

9. Heard the learned counsel for the respective parties and perused the averments of the charge sheet. It appears from the record that on 14.03.2025, at about 06.30 p.m., the petitioner had accompanied the deceased and went to the land bearing Sy.No.44/2. It can be gathered from the records that the deceased had been killed by way of strangulation. However, mere existence of civil dispute between the parties would not sufficient to arrive at a conclusion that the petitioner is involved in the said murder case.

10. Be that as it may, having considered the petitioner is a student and he is pursuing his Pharmacy and also he is



having some psychiatric problems, it is appropriate to grant him bail.

11. Hence, I proceed to pass the following:

**ORDER**

(i) The petition is ***allowed.***

(ii) The petitioner is enlarged on bail in S.C.No.76/2026 (arising out of Crime No.18/2025) pending on the file of II Additional District and Sessions Judge, Chikkamagaluru for the offence under Sections 103(1), 238 of the Bharatiya Nyaya Sanhita, 2023, on executing a personal bond for a sum of Rs.1,00,000/- with one (01) surety for the like sum of the satisfaction of the Trial Court.

(iii) The petitioner shall not threaten or tamper 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 involve in any  
criminal cases till disposal of the case.

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

**Sd/-**  
**(S RACHAIAH)**  
**JUDGE**

NR/-  
List No.: 1 Sl No.: 8