



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 15476 OF 2025

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

BETWEEN:

1. SRI. KRISHNAPPA @ KRISHNA
S/OLATE SRI KALIDASAIAH
AGE ABOUT 58 YEARS
R/O HULIBELE JANATHA COLONY
HULIBELE, KASABA HOBLI
KANAKAPURA TALUK
BENGALURU SOUTH
DISTRICT 562117.

...PETITIONER

(BY SRI. ABHINAV ANAND K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SHO OFK KANAKAPURA RURAL POLICE STATION
KANAKAPURA,
BENGALURU SOUTH DISTRICT
REP BY THE LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU 560001

...RESPONDENT

(BY SRI. HARISH GANAPATHY, HCGP)





THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO GRANT HIM REGULAR BAIL BY ALLOWING THIS PETITION AND FURTHER BE PLEASED TO DIRECT THE LEARNED I ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA AS IN CHARGE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA IN SC NO.54/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 66, 103(1) AND 115(2) OF BNS 2023 ARISING OUT OF CRIME NO.39/2025 OF THE RESPONDENT-POLICE STATION.

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 sole accused under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant bail in Crime No.39/2025 of Kanakupura Rural Police Station registered for the offences punishable under Sections 66, 103(1) and 115(2) of Bharatiya Nayay Sanhita, 2023.

2. Heard the learned counsel for petitioner and the learned High Court Government Pleader for respondent/State.



3. The learned counsel for petitioner would contend that the body of the deceased was taken to mortuary, and inquest was held in the mortuary. Who has taken the body to the mortuary/hospital has not been stated by the complainant in her complaint. In the post-mortem report, the cause of death is mentioned as fracture to right femur sustained. CW2 and CW5, who are husband and son of the deceased, have stated that there was a fracture of right leg of the deceased prior to the incident. The deceased was bed ridden, and she was not in a position to move from the bed, and she was aged 80 years. The petitioner is aged 58 years, and he belonged to Scheduled Caste, and complainant family belonged to upper class. There was an enmity between the petitioner, as a member of Panchayath in the year 2000, he caught the relative of the complainant when they were dealing with illicit excise materials, and that the complainant's family girl had eloped with a boy, who is related to the petitioner. The charge sheet is filed, and therefore, the



petitioner is not required for further custodial interrogation. The petitioner is in judicial custody since last eleven months. With this, he prayed to allow the petition.

4. Per contra, the learned High Court Government Pleader for respondent/State would contend that the deceased is aged about 80 years, and she was bed ridden. This petitioner was found by CW1 naked and sleeping on the deceased. CW1 and CW2 are the eye witnesses to the incident. Out of them, CW2/husband of the deceased has sustained injury. The statement of CW1 has been recorded under Section 183 of BNSS. As the petitioner assaulted on the leg, there was a fracture, and due to which, the deceased died. The relatives of the deceased have stated in their statements that they have taken the deceased to hospital immediately after the incident for treatments, and she was found dead in the hospital. 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 the charge sheet, the case of the prosecution is that the deceased was aged about 80 years, she was bed ridden and she was residing with her husband. That on 20.03.2025 at about 08.50 p.m. the petitioner is found sleeping on the deceased by CW1, and when she raised an alarm, CWs.2 to 4 came there, and the petitioner was naked, took his nicker, and ran away, and at that time, he dashed CW2, and he fell down, and sustained injury.

7. CW1 to CW5 are the eyewitnesses to the incident. Out of them, CW2 is the injured. The deceased was aged 80 years. CW2 and CW5, who are husband and son of the deceased, have stated that earlier there was a fracture of right leg of the deceased. The doctor, who conducted the examination of the dead body of the



deceased, has opined that the death is due to neurogenic shock as a result of fracture of right femur sustained.

8. The learned counsel for petitioner submits that the cause of death is not as a result of the alleged act of the petitioner, but because, she was aged 80 years, and she had sustained fracture of her right leg. The petitioner is aged 58 years, and there are no criminal antecedents of the petitioner. Whether the petitioner has committed the alleged act is a matter of trial.

9. Considering the above, 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 Crime No.39/2025 of Kanakupura Rural Police station registered for the offences punishable under Sections 66, 103(1) and



115(2) of Bharatiya Nayay Sanhita, 2023 subject to following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the jurisdictional 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.: 1 Sl No.: 35