



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. 15716 OF 2025 (439(Cr.PC) /
483(BNSS))

BETWEEN:

1. NAGARAJA NAIK
S/O. LATE DODDAKARI NAIK
AGED 48 YEARS, COOLIE
R/O. HEGGADEGOWDA ESTATE COOLIE LINE
SIDDAPURA VILLAGE, JAGARA HOBLI
CHIKKAMAGALURU TALUK.

NATIVE AT BOMMASANDRA
DONANAKATTE, KANAKATTE HOBLI
ARSIKERE TALUK
HASSAN DISTRICT-573 103.

...PETITIONER

(BY SRI CHETAN KUMAR, ADVOCATE AND
SRI PADMANABHA J, ADVOCATE FOR
SRI ABHISHEK K, ADVOCATE)



AND:

1. STATE OF KARNATAKA
BY THE MALLANDUR POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
AT BENGALURU- 560 001

...RESPONDENT

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



THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED UNDER SECTION 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN S.C No.123/2023 ARISING OUT OF CRIME No. 49/ 2023 REGISTERED BY THE MALLANDUR POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302 AND 201 OF THE 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 the sole accused under Section 439 of Cr.P.C. praying to grant bail in S.C.No.123/2023 arising out of Crime No.49/2023 of Mallandur Police Station, pending on the file of Principal District and Sessions Judge, Chikkamagaluru, registered for offences under Section 302 and 201 of IPC.

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

3. Learned counsel for petitioner would contend that there are no eyewitnesses to the incident and the case of the prosecution is based on circumstantial evidence. CW.6 even though is cited as eyewitness in the charge sheet,



but he has only seen the petitioner and the deceased quarreling at 06.00 a.m. on 13.06.2023 and he has not seen the incident of petitioner assaulting the deceased. The alleged incident has taken place on 13.06.2023 and complaint has been filed on 19.06.2023 and there is a delay in filing the complaint. The corpus has not been recovered. The bones recovered have not been investigated to be that of the deceased. CW.9 and 10 are stated to be sons of the deceased, who had filed a missing complaint of the deceased on 06.03.2023. The petitioner is in judicial custody since 23.06.2023 and as the charge sheet is filed, he is not required for further custodial interrogation. As the case of the prosecution is based on circumstantial evidence, prosecution has to prove each of the circumstances. There are no criminal antecedents of the petitioner. With this he prayed to allow the petition.

4. *Per contra*, learned Addl.SPP would contend that the petitioner with whom the deceased was residing since two months has quarreled with her on 13.06.2023 at



06.00 a.m. and it has been seen by CW6 who pacified the quarrel. The petitioner subsequently on the same day has assaulted the deceased with stone and took her dead body by wrapping it in a blanket and took it to an agricultural land and burnt it. The bones were found on the said place. The charge sheet material show prima-facie case against the petitioner for offences alleged against him. With this, he prayed to reject the petition.

5. Having heard the learned counsels, 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 petitioner has found the deceased in bus stand about two months prior to the date of incident and he has brought her and she was staying with the petitioner in his house. On 13.06.2023 at 06.00 a.m. the petitioner and the deceased were quarreling as the deceased refused to prepare coffee for the petitioner and at that time CW.6 seen the same and came and pacified the quarrel and



advised them not to quarrel again. Thereafter the petitioner stated to have assaulted the deceased with stone on her head due to which she died on the spot. The petitioner took the said dead body by wrapping in a blanket and took it to an agricultural land and burnt it there with the help of firewood and thereafter cleaned his house in order to vanish the evidence. The corpus of the deceased has not been recovered. What was recovered is the bones in the agricultural land bearing Sy.No.313. Whether the said bones recovered are of the deceased or not has not been investigated. CW.9 and CW.10 were stated to be the sons of the deceased and among them CW.9 had filed a missing complaint of the deceased on 06.03.2023 registered in Cr.No.51/2023 of Holehonnur Police Station.

7. Learned counsel for petitioners submitted that there is no connecting material to show that the bones found were of the deceased as no DNA test has been conducted with the blood samples of CW.9 and CW.10 who



are sons of the deceased. The petitioner is in judicial custody since 23.06.2023 and as the charge sheet is filed, he is not required for further custodial interrogation. As the case of the prosecution is based on circumstantial evidence, the prosecution has to prove each of the circumstances at trial. 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

Petition is allowed. Petitioner is granted bail in S.C.No.123/2023 arising out of Crime No.49/2023 of Mallandur Police Station, pending on the file of Principal District and Sessions Judge, Chikkamagaluru, subject to following conditions:

- (i) 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 trial Court.



- (ii) Petitioner shall not tamper the prosecution witnesses either directly or indirectly.
- (iii) Petitioner shall attend the trial Court on all dates of hearing unless exempted and co-operate for speedy disposal of the case.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 38
Ct.sm