



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO. 100030 OF 2026
(439 OF Cr.PC/483 OF BNSS)

BETWEEN:

SRI SHARATH S/O. SURESH NEELAPPANAVARA,
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O. KUDARIHAL, TQ. RANEBENNUR,
DIST. HAVERI-581115.

...PETITIONER

(BY SRI SRINAND ARAVIND PACHAPURE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH BYADAGI POLICE STATION,
NOW REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD,
BENCH AT: DHARWAD-580011.
2. SMT. NEELAVVA
W/O. PARAMESHAPPA PARAMANNANAVAR,
AGE: 42 YEARS, OCC: HOUSEHOLD,
R/O. SHANTIPUR, TQ. BYADAGI, DIST. HAVERI-581110.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BHARATIYA NAGARIKA SURAKSHA SANHITA, PRAYING TO GRANT REGULAR BAIL TO THE PETITIONER/ACCUSED NO.1 IN CRIME NO.241/2025 REGISTERED BY THE BYADAGI POLICE STATION FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 108, 238, 64 (2)(M), 352, 351(2) AND 69 R/W. SECTION 3(5) OF BHARATIYA NYAYA SANHITA, 2023 ON THE FILE OF ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, BYADAGI, IN THE ENDS OF JUSTICE.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the accused No.1 under Section 483 of BNSS seeking to enlarge him on bail with the following prayer:

"Wherefore, it is respectfully prayed before this Hon'ble Court to grant regular bail to the petitioner/Accused No.1 in Crime No.241/2025 registered by the Byadagi Police Station for the alleged offences punishable under Sections 108, 238, 64(2)(m), 352, 351(2) and 69 r/w Section 3(5) of Bharatiya Nyaya Sanhita 2023 on the file of Addl. Civil Judge (Jr.Dn.) & JMFC, Byadagi, in the ends of the justice."

2. It is the brief case of prosecution that brother of deceased had lodged a complaint on 08.11.2025 that the deceased Sindhu was staying in the house of maternal uncle and was studying B.Com. at Rajeshwari College at Ranebennur and in the said college one Kavya became a friend of the deceased and said Kavya had introduced the deceased to the petitioner/accused No.1. Thereafter, the friendship between the accused No.1 and deceased turned into love and developed into intimacy. It is alleged in the



complaint and charge sheet that petitioner/accused No.1 has repeatedly committed sexual intercourse against the will of the deceased at various places and at different dates, but thereafter the petitioner/accused No.1 had refused to marry the deceased.

3. It is further alleged that the petitioner/accused No.1 by making a false marriage promise had sexual intercourse with the deceased for repeated times on different dates. But thereafter the petitioner/accused No.1 had refused to marry the deceased and by this time, the deceased became pregnant, therefore a panchayat was convened and it was not materialized with solemnization of marriage between the deceased and the petitioner/accused No.1. Therefore, without tolerating this humiliation, the accused No.1 had instigated the deceased to die and she committed suicide. Thus, accused No.1 committed the offence as above stated.



4. Heard Sri.Srinand Aravind Pachachapure, learned counsel appearing for the petitioner/accused No.1 and Sri.Abishek Malipatil, learned HCGP appearing for the respondent No.1/State.

5. Learned counsel for the petitioner/accused No.1 submitted that the petitioner/accused No.1 is in custody since 08.11.2025 and now the charge sheet is filed. Therefore, prays to release the petitioner/accused No.1 on bail. It is further submitted upon the reading the complaint averments and charge sheet there is no abatement by the petitioner/accused No.1 to the deceased to commit the suicide. Though it may be accusation against the petitioner/accused No.1 he has refused to marry the deceased that does not constitute abatement by the petitioner/accused No.1 to the deceased instigating her to commit suicide. Therefore, submitted that the ingredients of abatement of suicide is not found. Therefore, prays to grant bail to the petitioner/accused No.1.



6. Sri.Abishek Malipatil, learned HCGP opposed the grant of bail to the petitioner/accused No.1 and supports the order passed by the trial court.

7. Upon considering the charge sheet and other materials, there is serious allegations made against the petitioner/accused No.1 that the friendship developed between the petitioner/accused No.1 and deceased lead to became close intimacy and thereafter the petitioner has taken the deceased to various places and on the pretext of marrying the deceased had committed the sexual intercourse with the deceased repeatedly against the will and wish of the deceased. Thereafter, the deceased became pregnant and when the deceased was started to insist the accused to marry her, but the petitioner/accused No.1 refused. Therefore, the deceased committed suicide.

8. Whether the act of the petitioner/accused No.1 is amounting to abatement or not, is a question for trial. The



fact of proximity between the date of commission of suicide and the act of alleged instigation of abatement, is a matter for trial. But there is a prima facie case made out in the charge sheet that the petitioner/accused No.1 has committed repeated sexual intercourse with the deceased and the deceased became pregnant. There is no other reason for the deceased to end her life with suicide except to the accusations made against her by the petitioner/accused No.1. When this being the serious allegation the alleged abatement stated in the charge sheet, is a matter for trial.

9. Though the other accused were released on bail, but against them the accusations are not severe as that of the petitioner/accused No.1. It is against the petitioner/accused No.1 that he has committed repeated sexual intercourse and later refused to marry her. Therefore, as per the charge sheet material the chastity of the deceased was spoiled. When this being the serious



allegation alleged against the petitioner/accused No.1, whether the act of the petitioner/accused No.1 though panchayat was convened and it was failed, all these factors to be considered as to how much humiliation the accused has caused to the deceased gets force of abatement to the deceased to commit the suicide, is a question for trial and when this being the seriousness involved in the case and if at this stage, the petitioner is released on bail, then there are every chances of absconding and fleeing away from the justice besides there would be threatening to the witnesses. In such an event, the entire trial would become dwindled. Therefore, this Court is of the opinion that without expressing any opinion on the merits of the case, it is not proper to release the petitioner on bail and the petition is liable to be dismissed.

10. Hence, I proceed to pass the following:

ORDER

(i) The petition is to be ***dismissed***.



- (ii) The accused is in custody since 08.11.2025. Hence, learned Sessions Court is directed to expedite the trial case by following the judgments of Hon'ble Supreme Court in the case of ***AKIL @ JAVED VS. STATE OF NCT OF DELHI¹*** and ***STATE OF U.P. VS. SHAMBHU NATH SINGH AND OTHERS²***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

DR /CT-AN
List No.: 2 SI No.: 12

¹ 2013 (7) SCC 125

² 2001(4) SCC 667