



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.100116 OF 2026
(439 OF CR.PC/483 OF BNSS)

BETWEEN:

HOSAMANE MARIYAPPA @ MARIYAPPA
S/O. HANUMAPPA,
AGE: 45 YEARS, OCC: COOLIE,
R/O. KAKKURU VILLAGE,
TQ. MUNDARAGI, DIST. GADAG-583101.

...PETITIONER

(BY SRI SRINIVAS NAIK, ADVOCATE.)

AND:

STATE OF KARNATAKA,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD BENCH,
THROUGH HADAGALI POLICE STATION,
DISRICT VIJAYANAGAR.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE, 1973 (SECTION 483 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023), PRAYING TO GRANT REGULAR BAIL TO THE PETITIONER/ACCUSED IN S.C.NO.5014/2021 ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, HOSAPETE, DIST. VIJAYANAGAR (HADAGALI POLICE STATION CRIME NO.69/2020) REGISTERED FOR THE



OFFENCE PUNISHABLE UNDER SECTION 498A AND 302 OF IPC,
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

Heard the arguments of Sri Srinivas Naik, learned counsel for petitioner and Sri Abhishek Malipatil, learned HCGP for the respondent State and perused the material placed before the Court.

2. This petition is filed by the petitioner/accused under Section 439 of the Criminal Procedure Code, 1973 (Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023), praying to enlarge the petitioner/accused on bail in S.C.No.5014/2021, pending on the file of Additional District and Sessions Judge, Hosapete, Dist. Vijayanagar, arising out of Hadagali Police Station Crime No.69/2020, registered for the offence punishable under section 498A and 302 of IPC.



3. It is the brief case of prosecution that the deceased is wife of petitioner/accused and their marriage was solemnized prior to 12 years before the date of death of deceased and during the lifetime of the deceased, accused was always suspecting her fidelity and consuming alcohol and was always quarreling with the deceased and when the deceased was in her mother's house, the accused came there and committed the murder of the deceased with axe. Therefore, the offences were foisted against the accused as stated above.

4. Learned counsel for petitioner/accused submitted that accused is in judicial custody for five years six months i.e., from the date of arrest on 22.07.2020 and further submitted that all the material witnesses like eye witnesses who are none other than the father, mother, sister and daughter of deceased and the petitioner have turned hostile and have not supported the case of prosecution. All the material witnesses have not stated anything against the deceased. Therefore, now examining the remaining



witnesses is only a formality and since all the witnesses have turned hostile, prays to enlarge the petitioner/accused on bail by imposing conditions.

5. The learned HCJP has filed objections and vehemently objected for grant of bail to the petitioner and prays to reject the bail petition.

6. In the present case the deceased is wife of the petitioner/accused. According to the prosecution, the daughter of the deceased was an eye witness to the incident. But this witness has turned hostile and also the parents, sister and other eye witnesses and the material witnesses have turned hostile and have not supported the case of the prosecution. The examination of remaining witnesses has become a formality. Further, the petitioner is in judicial custody since 22.07.2020, which is about five years and six months. Therefore, considering the above factors, as revealed from the materials at this stage, the



petitioner is entitled to be enlarged on bail. Hence,
I proceed to pass the following:

ORDER

i) The petition is allowed.

ii) The petitioner/accused is ordered to be enlarged on bail in S.C.No.5014/2021, pending on the file of Additional District and Sessions Judge, Hosapete, Dist. Vijayanagar, arising out of Hadagali Police Station Crime No.69/2020, registered for the offence punishable under section 498A and 302 of IPC, subject to the following conditions.

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- along with one surety for the like sum to the satisfaction of the trial Court.

b) The petitioner shall not leave the jurisdiction of the trial Court without prior permission of the Court.



c) The petitioner shall not tamper and threaten the prosecution witnesses in any manner.

d) The petitioner shall mark his attendance before the concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m.

e) The petitioner shall attend the Court regularly during the trial without fail. If not attend for consecutive two times it entails cancellation of bail.

iii) Violation of any of the conditions imposed would entitle the prosecution to move for cancellation of bail.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE