



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100371 OF 2026
(439 OF CR.PC/483 OF BNSS)

BETWEEN:

NURULLA SHAMIULLA,
AGED 23 YEARS, OCC: DRIVER,
R/O. T.B.CIRCLE, HOSADURGA,
DISTRICT: CHITRADURGA-577527.

...PETITIONER

(BY SRI VEERABHADRAPPA MAHADEVAPPA BANAKAR,
ADVOCATE.)

AND:

THE STATE OF KARNATAKA,
THROUGH KARNATAKA YAMAKANA MARADI P.S.,
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, (SECTION 439 OF THE CRIMINAL PROCEDURE CODE, 1973) PRAYING TO ALLOW THIS CRIMINAL PETITION AND PASS AN ORDER, RELEASING THE PETITIONER/ACCUSED NO.2 ON REGULAR BAIL IN YAMAKANAMARADI P.S. CRIME NO.224/2018 REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 395, 397, 400, 402, 201, 465, 468 OF IPC, PENDING ON THE FILE OF VII



ADDITIONAL SESSIONS JUDGE, BELAGAVI, SITTING AT HUKKERI, IN S.C.NO.5024/2024 AND ETC.,.

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 V.M.Banakar, 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 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 of the Criminal Procedure Code, 1973), praying to enlarge the petitioner/accused No.2 on bail in Yamakanamaradi P.S. Crime No.224/2018, registered for the offences punishable under sections 395, 397, 400, 402, 201, 465, 468 of IPC, pending on the file of VII Additional Sessions Judge, Belagavi, sitting at Hukkeri, in S.C.No.5024/2024.



3. It is the brief case of prosecution that the accused is facing charge of dacoity and committed robbery during night as detailed in the complaint. Thus, the offences are foisted against the accused/petitioner as stated above.

4. Initially the petitioner was released on bail in Crl.MIsc.No.3174/2018 by the Sessions Court. Thereafter he remained absent and absconded for about eight months. Therefore, his bail was cancelled. Subsequently his presence was secured and now he is in Judicial Custody.

5. The learned Sessions Judge has dismissed the bail application on the ground that he has absconded and did not appear before the Court for trial and violated the conditions of bail and thus rejected the bail.

6. Upon considering the serious allegations made against the petitioner/accused and once he was granted with benefit of bail, but he has misused it by jumping out the bail and absconded. Therefore, the Court is of the opinion that if once again the petitioner is released on bail



and considering the seriousness involved in the case, there is every chance of fleeing away from justice and threatening the witnesses and in such an event fair trial would not be possible. Therefore, the criminal petition seeking bail is liable to be dismissed. Accordingly the criminal petition is dismissed.

7. However, the Sessions Court is directed to expedite the trial by following the principles of law laid down by the Hon'ble Supreme Court in the case of ***Akil @ Javed vs. State of NCT of Delhi***¹ and ***State of U.P. vs. Shambhu Nath Singh and Others***².

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

MRK
CT-AN
List No.: 2 SI No.: 13

¹ 2013 (7) SCC 125

² 2001 (4) SCC 667