



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CRIMINAL PETITION NO.100415 OF 2026
(439 OF CR.PC/483 OF BNSS)
C/W.
CRIMINAL PETITION NO.100440 OF 2026
(439 OF CR.PC/483 OF BNSS)

IN CRL.P.NO.100415 OF 2026

BETWEEN:

SRI INDARVALI S/O. RAJAVALI,
AGE: 20 YEARS, OCC: ELECTRICIAN,
R/O. UPPAR ONI, GANGAVATHI-583231,
DIST. KOPPAL.

...PETITIONER

(BY SRI NEELENDRA D. GUNDE, ADVOCATE.)

AND:

STATE OF KARNATAKA,
BY GANGAVATHI TOWN P.S.,
REPRESENTED BY THE STATE
PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD-580011.

...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



NC: 2026:KHC-D:4737
CRL.P No. 100415 of 2026
C/W CRL.P No. 100440 of 2026

TO GRANT REGULAR BAIL TO THE PETITIONER IN CRIME NO.28/2026 OF GANGAVATHI TOWN POLICE STATION, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2), 191(2), 191(3), 140(2), 115(2), 118(1), 109(1), 310(2), 352, 351(2) READ WITH SECTION 190 OF BHARATIYA NYAYA SANHITA, 2023, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN.) AND JMFC COURT GANGAVATHI, IN THE INTEREST OF JUSTICE AND EQUITY.

IN CRL.P. NO. 100440 OF 2026

BETWEEN:

1. SRI AMEER S/O. KHAJASAB HUSSAIN,
AGE: 24 YEARS, OCC: C.C. TV OPERATION,
R/O. WARD NO.6, MEHABOOB NAGAR,
GANGAVATHI-583231,
TQ. GANGAVATHI, DIST. KOPPAL.
2. SRI KHAJA PEER S/O. ANWAR,
AGE: 22 YEARS, OCC: MECHANIC,
R/O. WARD NO.6, MEHABOOB NAGAR,
GANGAVATHI-583231,
TQ. GANGAVATHI, DIST. KOPPAL.
3. SRI MAHAMAD FARHAN
S/O. MAHAMAD SULEMAN SABONI,
AGE: 19 YEARS, OCC: STUDENT,
R/O. SIDDAPUR, TQ. GANGAVATHI-583231,
DIST. KOPPAL.

NAME AND ADDRESS IS AS PER REMAND YADI
SRI MOHAMAD FARHAN DONI S/O. MAHAMAD
SULEMAN, AGE: 18 YEARS, OCC: STUDENT,
R/O. 7TH WARD, MEHABOOB NAGAR,
GANGAVATHI-583231,
TQ. GANGAVATHI, DIST. KOPPAL.

...PETITIONERS

(BY SRI NEELENDRA D. GUNDE, ADVOCATE.)



NC: 2026:KHC-D:4737
CRL.P No. 100415 of 2026
C/W CRL.P No. 100440 of 2026

AND:

STATE OF KARNATAKA,
BY GANGAVATHI TOWN P.S.,
REPRESENTED BY THE STATE
PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD-580011.

...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 PETITIONERS IN CRIME NO.28/2026 OF GANGAVATHI TOWN POLICE STATION, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTION 189(2), 191(2), 191(3), 140(2), 115(2), 118(1), 109(1), 310(2), 352, 351(2) READ WITH SECTION 190 OF BHARATIYA NYAYA SANHITA, 2023, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN.), AND JMFC COURT, GANGAVATHI, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE PETITIONS 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 N.D.Gunde, learned counsel for petitioners and Sri Abhishek Malipatil, learned HCGP, for the respondent State and perused the material made available before the Court.



2. The petitioner/accused No.3 has filed Crl.P.No.100415/2026 and petitioners/accused Nos.1, 2 and 4 have filed Crl.P.No.100440/2026 under Section 439 of the Criminal Procedure Code, 1973 (Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023) praying to enlarge the petitioners/accused Nos.1 to 4 on bail in Crime No.28/2026 of Gangavathi Town Police Station, registered for the offences punishable under section 189(2), 191(2), 191(3), 140(2), 115(2), 118(1), 109(1), 310(2), 352, 351(2) read with section 190 of Bharatiya Nyaya Sanhita, 2023, pending on the file of Principal Civil Judge (Jr.Dn.), and JMFC Court, Gangavathi.

3. It is the brief case of prosecution as per the complaint averments that, the accused persons under the pretext that the complainant is having close intimacy with one Apiya who belongs Muslim community and complainant belongs to Madivala community, all the accused persons have taken the complainant to a far away place and assaulted him with wooden club and a person had taken a



bear bottle, broken the same and tried to stab the complainant, but the complainant, escaped. Therefore, with these allegations complaint is lodged. Accordingly a crime is registered as stated above.

4. Learned counsel for petitioners submitted that in this case offence under section 109 of Bharatiya Nyaya Sanhita, 2023, is not attracted and the other offences are minor offences and the petitioners are in custody since 04.02.2026 and they are aged between 19 to 22 years and therefore, prays to release the petitioners on bail.

5. The learned HCGP has vehemently objected for grant of bail to the petitioners and prays to reject the bail petitions.

6. Whether section 109 of Bharatiya Nyaya Sanhita, 2023 is applicable or not is a question of trial, but the ingredients that one of the accused took a bear bottle and broken it and sharp edge of the bear bottle was used to stab the complainant to the stomach, but the complainant



has escaped. Therefore, this is the averment made in the complaint that the complainant was tried to be murdered, but anyhow he has escaped. Causing minor injuries is not a criterion to apply section 109 of Bharatiya Nyaya Sanhita, 2023, but the intention and the overtact that a person has broken a bear bottle and attempt was made to stab the complainant, then the complainant might have escaped; therefore, there is an intention to commit murder.

7. The complainant was having closeness to Apiya. With this background the offence is committed. Charge sheet is not yet filed. Investigation is still going on. Therefore, if at this stage if the petitioners are released on bail, then there are chances of threatening the witnesses and tampering the evidence and also absconding and fleeing away from justice. In such an event, fair investigation and trial would be dwindled. Therefore, at this stage since charge sheet is not yet filed, the Court is of the opinion not to enlarge the petitioners/accused persons on



bail. Accordingly the criminal petitions are liable to be dismissed. Hence, both the criminal petitions are dismissed.

8. Liberty is reserved to the petitioners/accused persons to file fresh petitions after filing the charge sheet.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

MRK
CT-AN
List No.: 1 Sl No.: 8