



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.100421 OF 2026
(439 OF CR.PC/483 OF BNSS)

BETWEEN:

SRI K. J. SANTOSH KUMAR S/O. K. JAYANNA,
AGED ABOUT 41 YEARS,
R/O. BASAVESHWARA NAGARA,
NEAR DARABENDRE SCHOOL,
KOTTOR TOWN, KOTTUR TALUK,
DIST. VIJAYANAGARA-583135.

...PETITIONER

(BY SRI P.G.CHIKKANARAGUND, ADVOCATE.)

AND:

THE STATE OF KARNATAKA,
THROUGH KOTTUR POLICE STATION,
KOTTUR TALUK, REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER/ ACCUSED NO.1 ON BAIL IN CRIME NO.190/2025 OF KOTTUR POLICE STATION, PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, KUDLIGI, REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 85 AND 108 READ WITH SECTION 3(5) OF BHARATIYA NYAYA SANHITA, 2023, IN THE INTEREST OF JUSTICE AND EQUITY.



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 P.G.Chikkanaragund,
learned counsel for petitioner and Sri Abhishek Malipatil,
learned HCGP, for respondent State.

2. This petition is filed by the petitioner/accused
No.1 under Section 483 of Bharatiya Nagarik Suraksha
Sanhita, 2023, praying to enlarge the petitioner/accused
No.1 on bail in Crime No.190/2025 of Kottur Police Station,
pending on the file of Senior Civil Judge and JMFC, Kudligi,
registered for the offence punishable under sections 85 and
108 read with section 3(5) of Bharatiya Nyaya Sanhita,
2023.

3. It is the brief case of prosecution that the
deceased had married petitioner/accused No.1 and went to
lead marital life to the house of accused No.1 and other
accused, therein all the accused were abusing and beating



and giving ill-treatment and cruelty to the deceased. Therefore, the deceased took extreme decision of ending her life and thus committed suicide. Thus, offences are foisted against the accused persons as above state.

4. As per prosecution case, the marriage was solemnized on 17.04.2017. The petitioner/accused No.1 is husband of deceased. It is the case of prosecution that all the accused persons including the petitioner have started ill-treatment and cruelty to the deceased and also abusing and beating the deceased. It is alleged that this type of offence is continuing one during the lifetime of the deceased. Therefore, the deceased has committed suicide. It is alleged in the complaint that there is a proximity of the dire of alleged offence and the deceased has taken extreme decision to end her life. Now though the charge sheet is filed, the trial is yet to begin. There are witnesses to adduce evidence in the trial. At this stage if the petitioner who is substantive accused is released on bail, then, there would be every chance of threatening the witnesses and



absconding and fleeing away from justice. In such an event, the entire trial would be dwindled. Therefore, this Court is of the opinion that unless material witnesses are examined in the trial, the petitioner/accused No.1 cannot be enlarged on bail. Therefore, the petition is liable to be dismissed. Accordingly the petition is dismissed.

5. Liberty is given to the petitioner to approach the Court once again praying for grant of bail after examination of all the material witnesses.

6. 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.: 28

¹ 2013 (7) SCC 125

² 2001 (4) SCC 667