



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.104926 OF 2025
(439 OF Cr.PC/483 OF BNSS)

BETWEEN:

SRI RAGHAVENDRA S/O. BASAVARAJ PATATH,
AGE: 30 YEARS, OCC: CONTRACTOR,
R/O. NEAR BEERALINGESWHAR TEMPLE,
KOTUTU VILLAGE,
TQ. & DIST. DHARWAD-580001.

...PETITIONER

(BY SRI LESLEE SAMUEL SULLAD, ADVOCATE)

AND:

STATE OF KARNATAKA,
THROUGH GARAG P.S.,
REPRESENTED BY HCGP,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.483 OF BNSS,
PRAYING TO ENLARGE THE ABOVE SAID PETITIONER/ACCUSED
NO. 1 ON REGULAR BAIL IN S.C.NO.53/2023 IN GARAG P.S.
CRIME NO. 72/2023, U/S.143, 147, 148, 302, 120(B), 109, 504,
R/W. 149 OF IPC, ON THE FILE OF IV ADDITIONAL DISTRICT
AND SESSION JUDGE DHARWAD, IN THE INTEREST OF JUSTICE
AND EQUITY AND ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Heard the learned counsel for the petitioner, the learned HCGP for the respondent-State.

2. This petition is filed by the petitioner/accused No.1 Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail and praying for the following relief:

A) Therefore it is most humbly prayed that this Hon'ble Court may pleased to enlarge the above said petitioner/Accused No.1 on regular bail in SC No.53/2023 in Garag PS Crime No.72/2023, U/S 143, 147, 148, 302, 120(B), 109, 504 R/w 149 IPC, on the file of IV Addl District and Sessions Judge Dharwad, in the interest of justice and equity.

B) Any other which the court may deems fit and proper in the light of the facts, circumstances of the case, may also be passed in favour of the petitioner".

3. The brief case of the prosecution is that, as per the complaint, FIR, and charge sheet material, enmity developed between the deceased and accused No. 1 with



regard to obtaining a contract in the Gram Panchayat. Therefore, all the accused shared a common intention to eliminate the deceased. Accordingly, on 18.04.2023, they committed the offence and murdered the deceased. Hence, a crime has been registered for the above-stated offences.

4. Learned counsel for the petitioner submitted that the charge sheet has been filed, the trial has commenced, and all material witnesses have been examined. It is further submitted that the eyewitnesses have turned hostile, and therefore, the petitioner may be released on bail.

5. On the other hand, the learned HCGP submitted that material witness CW-1, who is the wife of the deceased, has been examined as PW-3, and one of the eyewitnesses, CW-17, has been examined as PW-9; both have supported the prosecution case. Therefore, if at this stage the petitioner is enlarged on bail, there is a likelihood of threatening witnesses, tampering with prosecution evidence, and absconding. Hence, prays to dismiss the petition.



6. As per the charge sheet material, the overt act alleged against the petitioner is that he used a knife and assaulted the deceased on the nose, head, left shoulder, and chest, causing lacerated wounds and profuse bleeding, resulting in death at the hospital. Though the petitioner/accused No. 1 is in custody, considering the overt act alleged, the nature of the weapon used, and the injuries inflicted on vital parts of the body, it prima facie reveals the intention to commit murder.

7. As per the prosecution case, the motive arose due to enmity between the deceased and accused No. 1 with regard to obtaining a contract in the Gram Panchayat. Further, the wife of the deceased, examined as PW-3, has supported the prosecution case. Whatever defects are pointed out in the cross-examination by the learned counsel for the petitioner will be considered during the appreciation of evidence and not at this stage. Additionally, one of the eyewitnesses to the incident, examined as PW-9, has also supported the prosecution case.



8. Therefore, even if there are certain discrepancies in the cross-examination, they cannot be appreciated at this stage while considering the bail application. Considering the overt act alleged against the petitioner and the fact that PWs 3 and 9 have supported the prosecution case, this Court is of the opinion that if the petitioner is released on bail at this stage, there is a likelihood of threatening witnesses, tampering with evidence, and absconding. In such an event, the entire trial become dwindles.

9. Accordingly, this Court is of the opinion that the petitioner/accused No. 1 is not entitled to be enlarged on bail at this stage. The petition is liable to be dismissed, and accordingly, it is ***dismissed***.

10. 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 Delhi¹ and State of U.P. vs. Shambhu Nath Singh and Others².

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

ASN /CT-AN
List No.: 1 SI No.: 14

¹ 2013 (7) SCC 125

² 2001 (4) SCC 667