



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200010 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

1. MOHAMMED YOUSUF
S/O MOHAMMED SALEEM
AGE: 38 YEARS, OCC: LORRY MECHANIC
R/O PANCHAYAT MOHALLA
GURMITKAL, DIST: YADGIR-585214
2. SOHAIL AHMED S/O FAYAZ AHMED SHAIKH
AGE: 25 YEARS,
OCC: LORRY MECHANIC
R/O KHDC COLONY, GURMITKAL
DIST: YADGIR-585214

...PETITIONERS

(BY SRI. SANTOSH PATIL AND
SRI. S. M. RANE ADVOCATES)

AND:

THE STATE THROUGH
YADGIR RURAL POLICE STATION
DIST: YADGIRI-585201
(REPRESENTED BY ADDL. STATE PUBLIC
PROSECUTOR, HIGH COURT OF KARNATAKA
KALABURAGI-585107

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO RELEASE THE PETITIONERS/ ACCUSED NO.1 AND 2 ON BAIL IN CC NO.1599/2025 PENDING ON THE FILE OF CIVIL JUDGE AND JMFC (JN.DN) COURT, YADGIR, ARISING OUT OF CRIME NO.154/2025 OF YADGIR RURAL POLICE STATION, YADGIRI, FOR THE OFFENCES PUNISHABLE U/SEC.103(1), 238, 49 R/W SEC.3(5) OF BNS-2023.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

Learned counsel for the petitioners files a memo seeking leave of this Court to withdraw the petition in respect of petitioner No.1 i.e., accused No.1.

2. The memo is taken on record.

3. In view of the memo, the petition is dismissed as withdrawn in respect of petitioner No.1/accused No.1.

AS REGARDS PETITIONER NO.2/ACCUSED NO.2,
THE MATTER IS TAKEN UP FOR CONSIDERATION AS
UNDER:

This petition is filed under Section 483 of BNSS, 2023, by petitioner No.2/accused No.2 for grant of bail in



C.C.No.1599/2025, arising out of Crime No.154/2025, registered by Rural Police, Yadgir, for the offences punishable under Sections 103(1), 238 and 49 r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS' 2023), presently pending on the file of Addl. Civil Judge and JMFC, Yadgir.

4. The factual matrix of the case is, Parvati Bayi/complainant i.e., mother of deceased lodged a complaint against unknown persons for the death of her son-Ramsingh @ Ambresh. The complaint and charge sheet averments further disclose that accused No.3-Radhika i.e., sister of deceased had an extra marital affair with accused No.1-Mohammed Yousuf. The said fact came to the knowledge of deceased-Ramsingh and he opposed the same. Further, accused No.1 obtained a sum of Rs.6,00,000/- from the complainant and accused No.3 and for repayment of the said amount, deceased-Ambresh was insisting accused No.1. As such, accused Nos.1 and 3



were nourishing ill-will against the deceased-Ramsingh. Hence, they hatched conspiracy to eliminate the deceased.

5. Accordingly, on 26.08.2025 at about 06.30 p.m., accused No.1 along with accused No.2, went to Gurumitkal bus stop and called the deceased-Ambresh for drink and took him in a car to a place called Chappetla near Gajalamma Temple and thereafter at about 11:30 p.m., accused No.1 committed his murder by strangulating him by means of a livewire and accused No.2 held the leg of deceased.

6. During the course of investigation, respondent-Police arrested accused No.1 on 29.08.2025 and based on his voluntary statement, petitioner No.2/accused No.2 was arrested and produced before the Magistrate and remanded to judicial custody. Aggrieved by the custodial detention, petitioner No.2/accused No.2 and accused No.1 approached the learned I-Addl. Dist. & Sessions Judge, Yadgir in Crl.Misc.No.660/2025, the same was dismissed



vide order dated 08.12.2025. Hence, petitioner No.2/accused No.2 preferred this petition.

7. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent-State.

8. Apart from urging several contentions, learned counsel for petitioner No.2 contended that the only allegation against him is, he being the friend of accused No.1, assisted and facilitated accused No.1 to commit the murder of deceased by accompanying him to the place of incident in a car belonging to accused No.1 and by holding the legs of deceased. As such, he is not responsible for the Homicidal death of deceased-Ambresh. He also contended that, accused No.3 has been granted bail by this Court in Crl.P.No.201518/2025. He further submits that now the investigation is completed and charge-sheet is filed. Hence, he seeks to enlarge petitioner No.2 on bail.



9. *Per contra*, learned High Court Government Pleader opposed the prayer on the ground that petitioner No.2 also participated in the murder of deceased-Ambresh by holding the legs of deceased and facilitated accused No.1 to commit the murder. According to him, CWs.13 and 14 are the last seen witnesses. In such circumstances, he prays to dismiss the petition.

10. I have given my anxious consideration on the submission made by the learned counsel for the respective parties and documents available on record.

11. Admittedly, the case of the prosecution rest on the circumstantial evidence. The investigation paper reveals that accused No.1 had an affair with accused No.3 and he also borrowed a sum of Rs.6,00,000/- from the complainant, as such, deceased was insisting for repayment of the amount and also objected the illicit relationship between accused Nos.1 and 3. Hence, accused Nos.1 and 3 were nourishing ill-will against the deceased and hatched a conspiracy to do away the life of deceased.



The said conspiracy was executed by accused No.1 by taking the deceased in his car and committing his murder by strangulating him by livewire. Though there is an allegation against petitioner No.2 that he facilitated accused No.1 by assisting him to commit the murder, no motive is attributed against petitioner No.2 and now the investigation is completed and charge sheet has been laid by the respondent-Police and there is a delay of 3 days in recording the statement of last seen witnesses. In such circumstances, without expressing any opinion on the merits of the case, suffice to hold that petitioner No.2/accused No.2 can be enlarged on regular bail. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed in part.***
- ii. The petition is ***dismissed as withdrawn*** in respect of petitioner No.1/accused No.1.
- iii. The petition is ***allowed*** in respect of petitioner No.2/accused No.2.



iv. Petitioner No.2/accused No.2 is directed to be released on bail in C.C.No.1599/2025, arising out of Crime No.154/2025, registered by Yadgir Rural Police, Yadgir, for the offences punishable under Sections 103(1), 238 and 49 r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS' 2023), presently pending on the file of Addl. Civil Judge and JMFC, Yadgir, subject to the following conditions:

- a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) Petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) Petitioner shall not involve in similar offences in future;



- e) Petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off;
- f) Petitioner shall mark his attendance before the Station House Officer, Yadgir Rural Police Station, Yadgir, on 1st Sunday of every month between 10.00 a.m. and 01.00 p.m. till the case registered against him is disposed off before the Trial Court.

Sd/-
(RAJESH RAI K)
JUDGE