



**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. 200215 OF 2026
(439(Cr.PC)/483(BNSS))**

BETWEEN:

1. ASEEB @ ASIF PASHA
S/O ALLABAKSHI
AGE: 40 YEARS
OCC: ELECTRICIAN AND SUPPLIERS
R/O W.NO 1, KASAB WADI,
SINDHANUR , TQ: SINDHANUR
DIST: RAICHUR-584128
2. GANGAMMA W/O CHANNBASAVA
AGE: 25 YEARS
OCC: HOUSEHOLD
R/O NEAR KABARSTAN, INDIRA NAGAR
TQ: SINDHANUR
DIST: RAICHUR-584128

...PETITIONERS

(BY SRI. SHIVANAND V. PATTANSHETTI., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SINDHANOOR POLICE STATION
DIST: RAICHUR-584128
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH

...RESPONDENT

(BY SRI.VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS (NEW), PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONERS/ACCUSED NO.1 AND 2 IN C.C NO.4/2026





(SINDHANOOR PS CRIME NO.168/2025 DISTRICT RAICHUR)
PENDING ON THE FILE OF THE III ADDL. DIST. AND SESSIONS
JUDGE, RAICHUR, SITTING AT SINDHANUR, DISTRICT
RAICHUR FOR THE OFFENCES PUNISHABLE U/SECS.49,
103(1), 240 R/W 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

This petition is filed under Section 483 of BNSS, 2023 for
grant of regular bail in C.C No.4/2026, arising out of Crime
No.168/2025, registered by Sindhanoor Police, Raichur District,
for the offence punishable under Sections 49, 103(1) and 240
r/w Section 3(5) of BNS, 2023, pending on the file of Prl. Civil
Judge and JMFC, Sindhanur.

2. The factual matrix of the case is that, one Ramanna
i.e., the father of now deceased in this case, lodged a complaint
before the respondent-Police on 30.09.2025 alleging that, his
son married to accused No.2-Gangamma, 8 years prior to
lodging of the complaint and they were residing separately at
Sindhanur. On 14.06.2025, the said Gangamma informed the
complainant that her husband/ deceased died on 13.06.2025 at
Government Hospital, Sindhanur. Accordingly, the complainant
rushed to the said hospital and there came to know that his



son's death was unnatural death, as such, he lodged a complaint. Based on his complaint, Unnatural Death Report was registered in UDR No.5/2025 on 14.06.2025. Thereafter, on 30.09.2025, the complainant visited the house of accused No.2 and enquired about the cause of death of his son. At that time, accused No.2 made an extrajudicial confession with him that, on 13.06.2025 at about 10.00 p.m., accused No.1 assaulted Channabasava/deceased with club with an intention to commit his murder. Due to the same, the deceased sustained injuries on his right leg and hands and thereafter, accused Nos.1 and 2 shifted him to the above said hospital on 14.06.2025 and there, he succumbed to the injuries. As such, the said fact was informed by the complainant to the respondent Police and accordingly, FIR came to be registered against these petitioners in crime No.168/2025 under Sections 103(1) and 49 of BNS.

3. Later, the respondent-Police arrested these petitioners on 01.10.2025 and produced before the learned Magistrate and thereby the learned Magistrate remanded them to judicial custody. Subsequently, completing the investigation respondent Police laid charge against the petitioners/accused Nos.1 to 2 for the offences punishable under Sections 49,



103(1), 240 r/w Section 3(5) of IPC. Aggrieved by the custodial incarceration, the petitioners/accused Nos.1 to 2 filed bail petition before III Additional District and Sessions Judge, Raichur sitting at Sindanur, in CrI.Misc.Nos.5017 and 5018/2026, the same was dismissed vide order dated 29.01.2026. Hence, this petition.

4. Heard the learned counsel for the petitioners and the learned HGCP for the respondent-State.

5. Apart from urging several contentions, the learned counsel for the petitioners submits that, implications of accused persons was solely based on the extrajudicial confession made by accused No.2 to the complainant after lapse of 3 ½ months from the date of death of the deceased. Initially, an UDR registered in UDR No.5/2025 and the entire case rests on the circumstantial evidence. In such circumstances, he prays to allow the petition.

6. *Per contra*, learned HGCP opposed the prayer on the ground that, apart from an extrajudicial confession made by accused No.2 to the complainant, the respondent-Police also recorded the statements of CW.7 to CW.9, who were the last



seen witnesses. They have seen the deceased with the company of accused No.1 on the date of incident and according to him, there are injuries sustained by the deceased. In such circumstances, he prays to dismiss the petition.

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

8. As could be gathered from complaint averments, the death of the deceased was caused on 14.06.2025 and the same was informed by the complainant to the Jurisdiction Police. Since the deceased sustained some injuries on his right legs and hands, the respondent Police registered a report in UDR No.5/2025. Further, after lapse of 3 ½ months, solely based on the extrajudicial confession, the petitioners were implicated in the crime. No doubt, the police have recorded the statement of CW.7 to CW.9, who said to have been seen the deceased with the company of accused No.1 on the date of incident. However, their statement was recorded after lapse of 4 months i.e., on 02.10.2025. Further, post mortem report also reveals that the cause of death was due to cardiac failure



and the deceased had consumed ethanol alcohol at the time of death. In such circumstances, a homicidal death of the deceased itself is in dispute and now that charge sheet is also laid against the petitioners and they are in custody since from 01.10.2025. Hence, their further custodial incarceration does not call for.

9. Hence, without expressing any opinion on the merits of the case, suffice to hold that the petitioners/accused Nos.1 and 2 can be enlarged on regular bail.

10. Accordingly, the petition is ***allowed***.

11. The petitioners/accused Nos.1 and 2 are directed to be enlarged on bail in C.C No.4/2026, arising out of Crime No.168/2025, registered by Sindhanoor Police, Raichur District, for the offence punishable under Sections 49, 103(1) and 240 r/w Section 3(5) of BNS, 2023, pending on the file of Prl. Civil Judge and JMFC, Sindhanur, subject to the following conditions:

a) Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;



- b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;
- c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioners shall not involve in similar offences in future;
- e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.
- f) The petitioners shall mark their attendance before the Station House Officer, Sindhanoor Police Station, on first Sunday of every month between 10.00 a.m. and 01.00 p.m. till the case registered against them is disposed off before the Trial Court.

Sd/-
(RAJESH RAI K)
JUDGE

THM
List No.: 1 Sl No.: 12/CT-BH