



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200257 OF 2026

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

BETWEEN:

SAIBANNA S/O MARUTI PURADAL
AGE: 22 YEARS, OCC: HOTEL WORK
R/O LEPROSY COLONY, KALABURAGI CITY
TQ: AND DIST: KALABURAGI

...PETITIONER

(BY SRI. RAJESH DODDAMANI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
RAGHVENDRA NAGAR POLICE STATION
KALABURAGI CITY
NOW REPRESENTED BY
THE ADDITIONAL STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585105

...RESPONDENT

(BY SRI.GOPALKRISHNA B. YADAV, HCGP)

THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER/A-2 (AS PER CHARGE SHEET) ON BAIL IN CONNECTION WITH CRIME NO.122/2025 OF RAGHVENDRA NAGAR POLICE STATION, KALABURAGI CITY REGISTERED FOR THE OFFENCES 103(1), 324, 3(5) OF BNS 2023, NOW PENDING IN C.C.NO.14962/2025 ON THE FILE OF HONOURABLE II ADDL. CIVIL JUDGE AND JMFC, KALABURAGI.



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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner has filed this petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') for grant of bail to the petitioner, who is accused No.2 in C.C.No.14962/2025 on the file of II-Addl. Civil Judge & JMFC, Kalaburagi.

2. On the basis of complaint lodged by one Tolapasha, the respondent-Raghavendra Nagar Police have registered a case in Crime No.122/2025 against Saibanna Kumbar and others, for the offence punishable under Sections 103(1), 324 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS, 2023'). During the course of investigation, petitioner-accused No.2 arrested by the police and produced before the Court and accused has been remanded to judicial custody. Still the petitioner is in judicial custody. Aggrieved by the same, the petitioner has



approached the III-Addl. Dist. & Sessions Judge, Kalaburagi in Crl.Misc.No.119/2026, the same came to be rejected. Being aggrieved by the same, the petitioner has preferred this petition.

3. Learned counsel for the petitioner would submit that the petitioner is a law-abiding citizen and is no way connected to the alleged offences. There is no *prima facie* case made out against the petitioner. The petitioner has been implicated at the instance of their ill-wishers. As per the prosecution, the alleged incident took place at about 1:30 a.m. on 20.09.2025 and as per the complainant, he was informed about the death of his brother on 20.09.2025 at about 7:30 a.m. and thereafter he went to spot and noticed the dead body of the deceased. However, the prosecution has cited CW.7 as the eyewitness to the alleged incident of assault and CW.7 neither lodged any complaint nor has informed about the alleged incident to anybody. This aspect of the matter clearly goes to show that CW.7 is not an eyewitness and is a planted witness.



Hence, the same creates doubt about the prosecution version. Even if the statement of CW.7 is to be believed to be true, the only allegation against the petitioner is that he assaulted the deceased on the buttock, legs and the same is not a vital part of the body nor the same has caused the death of the deceased. Except voluntary statement of accused No.1, there is absolutely no material placed to constitute the offence against the present petitioner. The petitioner has been arrested and is in judicial custody since 21.09.2025. The investigation is already completed and charge sheet has been filed. The petitioner is not required for further investigation and petitioner is ready to abide by any conditions that may be imposed by this Court. On all these grounds, prays to allow the petition.

4. *Per contra*, learned High Court Government Pleader opposed to the bail petition and prays to dismiss the petition.



5. Having heard the arguments on both sides and perusal of materials, the following points would arise for my consideration:

- (i) *Whether the petitioner is entitled for bail?*
- (ii) *What order?*

6. My answer to the above points are as under:

Point No.1 : in the Negative

Point No.2 : As per final order.

Regarding Point No.1:

7. On the basis of the complaint filed by Tolapasha, Raghavendra Nagar Police have registered a case in Crime No.122/2025 against the Saibanna Kumbar and others for the aforesated offences. During the course of investigation, the Investigating Officer has conducted inquest panchanama, seizure panchanama and recorded the statement of eyewitness Smt.Shahanaz @ Sabavva and circumstantial witnesses CWs.8 to 13 and collected post mortem report, FSL report and on thorough investigation, the Investigating Officer has submitted the



charge sheet against the accused for the commission of offence under Sections 103(1), 324, 3(5) of BNS, 2023.

8. CW7-Shahanaz-eyewitness has given her statement before the police that the accused No.2/petitioner-Saibanna assaulted Chandsab-deceased on his buttocks, back and hands. Though the present petitioner has not used any weapon for commission of offence, he has participated in the alleged incident along with other accused. The alleged commission of offence under Section 103 is punishable with death or imprisonment for life. At this stage, if, the petitioner is released on bail, there is a possibility of tampering or threatening the prosecution witnesses and it will affect to the society at large.

Regarding Point No.2:

9. Considering the nature and gravity of offences, in my considered opinion it is not just and proper to allow this petition. Accordingly, I proceed to pass the following:



NC: 2026:KHC-K:2727
CRL.P No. 200257 of 2026

ORDER

The petition is ***dismissed***.

**Sd/-
(G BASAVARAJA)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 13
CT-BH