



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.200449 OF 2026

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

BETWEEN:

SHIVANAND @ SHIVU
S/O GURULINGAPPA KUMBAR,
AGE: 31 YEARS, OCC: AUTO DRIVER,
R/O BHAVANI NAGAR, KALABURAGI.

...PETITIONER

(BY SRI SANTOSH S. PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SUB URBAN POLICE STATION,
KALABURAGI.
REPRESENTED BY ADDL. S.S.P.,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

...RESPONDENT

(BY SRI GOPALKRISHNA B. YADAV, HCGP)

THIS CRL.P. IS FILED U/SEC.439 OF CR.P.C (OLD)
U/SEC. 483 OF BNSS (NEW) PRAYING TO ALLOW THE
PETITION AND RELEASE HIM ON BAIL IN SC NO.150/2025
(CRIME NO.76/2025, REGISTERED IN SUB-URBAN POLICE
STATION, KALABURAGI) PENDING BEFORE THE III ADDL.
DISTRICT AND SESSIONS JUDGE AT KALABURAGI, FOR THE
OFFENCE PUNISHABLE U/SEC.103(1) OF BNS, 2023.

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



CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

Heard learned counsel for the petitioner and learned High Court Government Pleader appearing for the respondent/State.

2. The petitioner/accused has filed this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in S.C.No.150/2025, pending before the III Additional District and Sessions Judge, Kalaburagi for the offence under Section 103 (1) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner has not committed any offence as alleged against him. Earlier, the petitioner had filed bail application before this Court in Criminal Petition No.201180/2025, which was rejected vide order dated 28.08.2025, observing that there are two eyewitnesses, namely CW.11 and CW.12, to the alleged



incident. Further, he would submit that CW.11 and CW.12 have already been examined as PW.2 and PW.3 and they have not supported the case of the prosecution. Further, he would submit that the accused is suffering from heart ailing disease continuously and he is taking treatment in jail but he needs special treatment for his ailments. On all these grounds, he prays to allow this petition.

4. I have examined the material placed before this Court. This Court has rejected the bail application in Criminal Petition No.201180/2025 on 28.08.2025. Now the petitioner seeks bail on two grounds, first, that the material witnesses, namely CW.11 and CW.12 have not supported the case of the prosecution and second, that the petitioner is suffering from a heart disease. With regard to the grounds urged by the petitioner concerning the non-support of eyewitnesses CW.11 and CW.12, this Court has observed in Paragraph No.7 of the order in Criminal Petition No.201180/2025 as follows:



"7. It is pertinent to note that, even though the weapon i.e., the iron rod was found at the spot and the same was recovered under the mahazar, the blood stained clothes of the petitioner was recovered at his instance, after recording his confessional statement. The prosecution has cited as many as 20 witnesses, out of them CWs.11 and 12 are the eye-witnesses. Considering all these facts and circumstances, the nature and seriousness of the offence committed by the accused in causing the death of deceased by repeatedly assaulting him with an iron rod and causing as many as 13 injuries, I am of the opinion, that the petitioner is not entitled for grant of bail.

5. The weapon used for commission of offences was recovered under mahazar. The blood-stained clothes of the petitioner were recovered at his instance, after recording his confessional statement and that there are 20 witnesses have been cited in the chargesheet. Considering all these facts and circumstances, this Court has rejected the bail application. Though CW.11 and CW.12, the eyewitnesses, have not supported the case of the prosecution, the rest of the evidence has to be considered



by the Trial Court. Hence, on these grounds, the petitioner is not entitled for bail.

6. With regard to the heart disease is concerned, the petitioner has not placed any material before this Court. Even if it is presumed that the petitioner is suffering from a heart disease, the suitable direction can be issued to the jail authorities to provide suitable treatment to him. On this ground also, the petitioner is not entitled for bail. For the aforesaid reasons, I proceed to pass the following:

ORDER

- (a) The Criminal Petition is dismissed.
- (b) The Registry is directed to send intimation to the jail authorities to provide suitable treatment to the petitioner.

Sd/-
(G BASAVARAJA)
JUDGE

RSP
List No.: 1 Sl No.: 2
CT: BH