



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200479 OF 2026

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

BETWEEN:

1. SHIVAKUMAR
S/O BASAWARAJ NASI
AGE: 34 YEARS, OCC: KIRANA SHOP
R/O KUSNOOR, TQ: KALBURGI
DIST: KALABURGI-585105
2. VEERESH S/O BASAWARAJ NASI
AGE: 36 YEARS, OCC: PRIVATE WORK
R/O KUSNOOR TQ: KALBURGI
DIST: KALABURGI-585105

...PETITIONERS

(BY SRI. CHAITANYAKUMAR CHANDRIKI., ADVOCATE)

AND:

THE STATE OF KARNATKA
THROUGH UNIVERSITY PS
DIST: KALABURAGI-585105
REPRESENTED BY ADDL. SPP
HIGH COURT BUILDING
KALABURAGI 585107

...RESPONDENT

(BY SRI.GOPALKRISHNA B. YADAV, HCGP)





THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS (NEW), PRAYING TO ALLOW THE ABOVE CRIMINAL PETITION AND ORDER TO RELEASE THE PETITIONERS ON BAIL IN SPL.CASE NO.245/2025 (CRIME NO.128/2025) REGISTERED BY THE UNIVERSITY POLICE STATION, FOR THE OFFENCES PUNISHABLE U/SEC 103(1), 351(2), 351(3) R/W SECTION 3(5) OF BNSS-2023, PENDING ON THE FILE OF III ADDL . DISTRICT AND SESSIONS JUDGE AT KALABURAGI.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

This petition is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, by the petitioner/accused for grant of bail in S.C.No.128/2025 (Crime No.128/2025), registered by University Police Station, Kalaburagi, for the offences punishable under Sections 103(1), 351(2), 351(3) read with Section 3(5) of BNSS, 2023, on the file of III Addl. District and Sessions Judge, Kalaburagi.

2. I have heard the arguments on both sides.



3. The learned counsel for the petitioner urged the following grounds:

(i) That, the allegation against the petitioners are baseless and they are innocent and not at all concerned with the said offences.

(ii) That, on the basis of false complaint lodged by CW/PW1 Sharanabasappa on 10/05/2025 University P.S Kalaburagi registered Criminal case No.128/2025 against accused No.1 to 4 for the offences Punishable Under Sections 103(1), 351(2), 351(3), R/w 3(5) BNSS-2023.

(iii) That, the prosecution so far examined 13 material witnesses. i.e CW1 Sharanabasappa complainant examined as PW11, CW13 Kallayya examined as PW2, CW12 Jagadevi examined as PW1. CW15 Basanna examined as PW3, CW16 chetan examined as PW12, CW18 Hanamanth examined PW13. All these witness have not supported the case of prosecution they are treated as hostile and their statement recorded U/Sec. 16 CRPC and marked as CW1/PW11(Exp 46), CW 13/PW2(Exp 2),



CW12/PW1(Exp 13), CW15/PW3(Ex 3), CW6/PW12(Exp 47), CW 18/PW 13 (Exp 48), that the testimonies of PW1, PW2, PW3, PW11, PW12, PW13 are not connecting all the 4 accused, more specifically against Accused No.1 and 2 for the alleged incident.

(iv) That, the testimony of PW1, PW2, PW3, PW11, PW12, PW13 not disclosing any criminating evidence against Accused.CW2/PW4 Sharanappa Mamani and CW3/PW5 Kallayya testified to prove inquest Panchanama but they have not supported the case of prosecution, in inquest Panchanama is marked as EXP6.CW4/Anand, CW5/Srishail testified to prove Exp. 37, Exp. 38 but both CW4 and CW5 have not supported the case of prosecution, CW9/Sangana gouda CW10 testified to prove Exp9 (Panchanama of clothes of Accused-2) both CW9 and CW10, have not supported the case of prosecution.

(v) That, the is no evidence on record to connect accused for the alleged offence, that the accused are innocent and have nothing to do with the alleged offences.



(vi) That, the accused No. 1 & 2 are in judicial custody since 10.05.2025 and this is the first bail application, bail application is filed by accused-1 and 2 earlier to present bail petition before the trial Court. The trial Court rejected the application.

(vii) That the accused petitioners are ready to furnish surety to the satisfactory of the Hon'ble Court and ready to abide by the conditions if any imposed.

4. To substantiate his argument, the petitioner has produced the evidence of PW1 to PW30.

5. I have examined the materials placed before this Court. On perusal of the same, it is clear that the material witnesses have not supported to the case of the prosecution. Hence, the question of tampering or threatening the material prosecution witness does not arise. Considering the facts and circumstances of the case, it is just and proper to allow this petition. Accordingly, I proceed to pass the following:



ORDER

- i. The Criminal Petition is ***allowed***.
- ii. The petitioners/accused shall be enlarged on bail in S.C.No.245/2025 (Crime No..128/2025) registered by University Police Station, Kalaburagi for the offences punishable under Sections 103(1), 351(2), 351(3) read with Section 3(5) of BNSS, 2023 subject to the following conditions:
 - (a) Petitioners/accused shall execute a personal bond for a sum of Rs.1,00,000/- each with one surety for the likesum, to the satisfaction of the trial Court;
 - (b) The petitioners/accused shall appear regularly on all the dates of hearing before the Trial Court or before this Court without fail;
 - (c) The petitioners/accused shall not directly or indirectly threaten or tamper with the prosecution witnesses;
 - (d) The petitioners/accused shall not indulge in similar offences in future;



Registry is directed to send the copy of this order to the Trial Court.

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

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List No.: 1 SI No.: 15