



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

CRIMINAL PETITION NO. 200597 OF 2026

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

BETWEEN:

KAVITA
W/O SANTOSH @ KUMAR BIRADAR
AGE : 35 YEARS,
OCC: HH WORK,
R/O: TARAPUR, TQ : ALMEL,
DIST: VIJAYAPURA – 586 101.

...PETITIONER

(BY SRI SHIVANAND V. PATTANSHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH ALMEL POLICE STATION,
DIST: VIJAYAPURA – 586 101.
R/BY ADDL. SPP KALABURAGI
HIGH COURT OF KARNATAKA
KALABURAGI BENCH – 585 107.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONER/ ACCUSED NO.2 IN CC NO.49/2026 (ALMEL PS CRIME NO.135/2025 DISTRICT VIJAYAPURA) FOR THE OFFENCES PUNISHABLE U/SEC.55, 103(1), 238 AND 3(5) OF BNS 2023 PENDING ON THE FILE OF PRL. CIVIL JUDGE (JR.DN) AND JMFC COURT SINDAGI DISTRICT VIJAYAPURA IN THE INTEREST OF JUSTICE AND EQUITY.





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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

This petition is filed under Section 483 of BNSS, 2023 for regular bail, by accused No.2 in Crime No.135/2025 registered for the offences punishable under Sections 55, 103(1), 238 and 3(5) of Bharatiya Nyaya Sanhita, 2023 [for short, the 'BNS, 2023'], now pending in S.C.No.54/2026 on the file of learned I-Additional Sessions Judge, Vijayapura.

2. Heard Sri Shivanand V. Pattanshetti, learned counsel appearing for the petitioner and Sri Jamadar Shahabuddin, learned HCGP appearing for the respondent – State.

3. Perused the petition records.

4. Sri Shivanand V. Pattanshetti submits that the entire allegations on which the petitioner is arraigned as accused No.2 is on the alleged voluntary statement of



accused No.1 and the alleged CDR file secured during the course of investigation. The petitioner was arrested on 02.11.2025 and since then she is in judicial custody. She is mother of two minor children and she was the complainant before the police regarding the unnatural death of her husband. There are no allegations regarding illicit relationship of accused No.2 with accused No.1 by any of the nearest relatives against her earlier to the FIR or till the voluntary statement of accused No.2. She being the lady and now the charge sheet has been filed, her custodial interrogation may not be required and further considering the fact that the petitioner is the mother of two minor children, she may be enlarged on regular bail.

5. Refuting the submission, Sri Jamadar Shahabuddin learned HCGP submits that though there is no direct evidence to the crime, the CDR secured by the police and the voluntary statement clearly shows the circumstantial evidence against the petitioner. She was actively having conversation with accused No.1. In these



circumstances, there are *prima facie* materials against her on circumstantial evidence. If she is released on bail, she may influence the witnesses or deter them from giving evidence before the Court and also tamper the witnesses. Hence, he sought to dismiss the petition.

6. Having considered the rival submissions, this Court is of the opinion that the voluntary statement of accused No.1 and the CDR are required to be tested in the trial. There is no direct eyewitness to the incident. Entire case is based on circumstantial evidence. Now the charge sheet having been filed by the police along with records, the matter requires trial to quest the truth. However, considering the fact that the petitioner is mother of two minor children, her custodial interrogation no more be required, however, without expressing anything on the merits of the case, the petitioner is admitted to regular bail. Accordingly, this Court pass the following:



ORDER

The petitioner is directed to be enlarged on bail, in Crime No.135/2025 registered for the offences punishable under Sections 55, 103(1), 238 and 3(5) of the BNS, 2023, now pending in S.C.No.54/2026 on the file of learned I-Additional Sessions Judge, Vijayapura, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.50,000/- with one surety for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall not tamper with the rest of the prosecution witnesses or prevail upon the prosecution witnesses in any manner;
- c) The petitioner shall attend the jurisdictional Sessions Court and co-operate with the smooth functioning of the trial without causing any hindrance;



- d) The petitioner shall not leave the jurisdiction
of the Sessions Court without prior
permission;
- e) Any violation of the conditions stipulated
above would entail in cancellation of the bail;
- f) Ordered accordingly.

Sd/-
(T.M.NADAF)
JUDGE

SWK
List No.: 1 Sl No.: 11
CT-VK