



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201471 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

SANNA MAREPPA S/O MARILINGAPPA KELAGERI,
AGED ABOUT: 23 YEARS, OCC: AGRICULTURE,
R/AT CHAMANUR VILLAGE, TQ.CHITTAPUR,
DIST. KALABURAGI-585211.

...PETITIONER

(BY SRI BASAVARAJ C. JAKA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH WADI POLICE STATION,
TQ: CHITTAPUR & DIST. KALABURAGI-585225.
NOW REP. BY ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585211.
2. BHEEMU BALAK @ BHEEMU
S/O SHARANAPPA BALAK
AGED ABOUT 32 YEARS, OCC: DRIVER,
R/O HONAGUNTA VILLAGE,
TQ. SHAHABAD,
DIST. KALABURAGI-585211.

...RESPONDENTS

(BY SRI GOPALKRISHNA B. YADAV, HCGP)

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD), 528 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION THEREBY CANCEL THE IMPUGNED ORDER DATED 21.03.2025, PASSED IN CRL.MISC.NO.376/2025, PASSED BY THE IV ADDL. DIST AND SESSIONS JUDGE AT KALABURAGI, SITTING AT SEDAM EXTENDING BAIL TO ACCUSED NO.2 /2ND RESPONDENT HEREIN, AND DIRECT THE 1ST RESPONDENT POLICE TO TAKE CUSTODY OF ACCUSED NO.2 IN CRIM NO.131/2024, REGISTERED AND FILED CHARGE SHEET BY WADI POLICE.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The grievance of the petitioner/de facto complainant is that the learned Sessions Judge, while granting bail to the accused in a case involving a charge under Section 103(1) and 109 of Bharatiya Nyaya Sanhita, 2023 (**302 of the Indian Penal Code**), has not properly appreciated the gravity and seriousness of the offence. It is contended that the order of bail was



passed in a casual and mechanical manner, without recording any cogent reasons or taking into consideration the settled principles governing the grant of bail in cases involving heinous offences like murder. It is further urged that the order suffers from non-application of mind and therefore calls for interference by this Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

2. At the outset, it is well settled that the power to grant bail lies within the judicial discretion of the Court of first instance, and such discretion, once exercised on consideration of the material placed before it, is not to be lightly interfered with by the superior Court unless the order suffers from manifest illegality, perversity, or is passed by ignoring settled principles of law. The Hon'ble Supreme Court in ***Puran v. Rambilas [(2001) 6 SCC 338]*** has held that while the power to grant bail is discretionary, the same must be exercised judiciously and not in an arbitrary manner. Interference



by a higher Court in a bail order is warranted only if the order is found to be perverse, suffers from patent non-application of mind, or if the Court granting bail has ignored material evidence or relevant considerations.

3. Equally, it is a well-recognized principle that cancellation of bail stands on a different footing from rejection of bail. Once liberty has been granted by a competent Court, it cannot be withdrawn merely on re-appreciation of the same material unless supervening circumstances are shown, such as misuse of liberty, attempt to tamper with evidence, influence witnesses, or likelihood of absconding. This principle has been reiterated in ***Dolat Ram v. State of Haryana***¹, wherein the Supreme Court observed that bail once granted should not be cancelled in a mechanical manner unless compelling circumstances exist showing that the accused has abused the concession of bail.

¹(1995) 1 SCC 349



4. The jurisdiction under Section 482 of the Code is not intended to function as an appellate or revisional forum to re-examine the correctness of an order of bail merely because another view is possible. The inherent powers preserved under Section 482 are to be exercised sparingly and with great caution, only to prevent abuse of the process of Court or to secure the ends of justice. The Supreme Court in ***State v. Capt. Jagjit Singh***², ***State of U.P. v. Amarmani Tripathi***³, and more recently in ***Mahipal v. Rajesh Kumar @ Polia***⁴, has authoritatively held that interference with a discretionary bail order at the instance of a complainant or prosecution is permissible only where the order is manifestly unjust, perverse, or has been passed without considering relevant factors such as the nature of accusation, severity of punishment, likelihood of tampering with evidence, and the *prima facie* involvement of the accused.

² AIR 1962 SC 253

³ (2005) 8 SCC 21

⁴ (2020) 2 SCC 118



5. In ***Mahipal*** (supra), the Apex Court succinctly observed that:

"An order granting bail, if it is founded upon irrelevant considerations, suffers from non-application of mind, or overlooks material circumstances which ought to have been considered, can be set aside. However, the power to do so must be exercised with circumspection and in rare cases."

6. Thus, while the High Court possesses inherent powers under Section 482, it cannot substitute its own discretion for that of the Sessions Court merely because the offence alleged is serious, unless the order granting bail demonstrates patent illegality or perversity.

7. Therefore, in the present case, the mere assertion that the learned Sessions Judge failed to consider the gravity of the offence or that the offence alleged is heinous by itself does not furnish a ground for interference under Section 482 Cr.P.C. unless the order of bail reflects an arbitrary exercise of discretion or a



total disregard of relevant material. The settled position of law requires that the Court must strike a balance between the individual's right to liberty under Article 21 and the interest of the society in ensuring fair trial and administration of justice. The presumption of innocence being a cardinal principle of criminal jurisprudence, the discretion to grant bail, once properly exercised, ought not to be disturbed except for compelling reasons.

8. For the foregoing reasons, petition is devoid of merits and is accordingly ***dismissed.***

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

RSP
List No.: 1 Sl No.: 46
CT:SI