



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 17<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**CRIMINAL PETITION NO.201508 OF 2025**

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

**BETWEEN:**

ANAND S/O BASAVARAJ  
AGE: 21 YEARS, OCC: COOK,  
R/O SANJAY NAGAR,  
KALABURAGI-585103.

...PETITIONER

(BY SRI. IBRAHIM KHATIB, ADVOCATE FOR  
SRI. SIDDANNA SHIVANNA SAHUKAR, ADVOCATE)

**AND:**

THE STATE THROUGH CHOWK PS,  
KALABURAGI  
NOW REPRESENTING BY ADDL. S.P.P.  
HCKB AT KALABURAGI-585107.

...RESPONDENT

(BY SRI. GOPALKRISHNA B. YADAV, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C (OLD) UNDER SECTION 483 OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION AND TO RELEASE PETITIONER/ACCUSED NO.3 IN CRIME NO.63/2020 OF CHOWK POLICE STATION AT KALABURAGI FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 323, 324, 307, 427, 447, 504, 506 READ WITH 34 IPC PENDING ON THE FILE OF IIND



ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT KALABURAGI IN SC NO.222/2025 IN THE VIEW OF THE REASONS AS STATED ABOVE 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 SACHIN SHANKAR MAGADUM

**ORAL ORDER**

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

This petition is filed by accused no.3 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in Crime No.63/2020 of Chowk Police Station at Kalaburagi for the offences punishable under Sections 323, 324, 307, 427, 447, 504, 506 read with 34 Indian Penal Code, 1860 pending on the file of II Additional District and Sessions Judge, at Kalaburagi in SC No.222/2025.

2. Heard learned counsel for the petitioner and learned High Court Government Pleader and perused the records.



3. Petitioner is now subjected to criminal prosecution in CC. No.222/2025, for the offence punishable under Section 323, 324, 307, 427, 447, 504, 506 read with 34 Indian Penal Code, 1860.

4. The present petitioner, arrayed as accused No.3, was earlier arrested and had obtained regular bail by order dated 13.04.2023 passed by the Principal Sessions Judge, Kalaburagi. However, the petitioner subsequently failed to appear before the committal Court. Owing to his non-appearance, the Court below was constrained to split up the case, issue a Non-Bailable Warrant, and secure his presence. It is also borne out from the records that the prosecution proceedings could not progress for nearly five years due to the petitioner's prolonged absence.

5. The learned Sessions Judge declined to extend any indulgence to the petitioner on the ground that he had absconded, necessitating the splitting up of the case and thereby causing considerable delay in the progress of the trial.



6. Though the learned High Court Government Pleader has strongly opposed the petition, the explanation offered by the petitioner in the present petition discloses that he had lost both his parents and had shifted to Bengaluru in search of livelihood. It is contended that due to lack of awareness and financial hardship, his non-appearance before the Court was unintentional and not deliberate. This explanation, coupled with the petitioner's young age of 22 years, appears plausible and satisfactory to this Court. Hence, considering the peculiar facts and circumstances, this Court is inclined to extend the benefit of indulgence to the petitioner.

7. However, having regard to the petitioner's previous conduct, this Court deems it appropriate to impose stringent conditions to ensure his continued participation in the trial. The petitioner shall remain present on all hearing dates without seeking unnecessary exemptions, except in exceptional or unavoidable circumstances.



8. In view of the foregoing discussion, the following order is passed:

**ORDER**

The petition is allowed.

The petitioner shall be enlarged on bail in Crime No.63/2020 of Chowk Police Station, Kalaburagi, registered for the offences punishable under Sections 323, 324, 307, 427, 447, 504, and 506 read with Section 34 of the Indian Penal Code, 1860, pending before the Court of the II Additional District and Sessions Judge, Kalaburagi, in S.C. No.222/2025, subject to the following conditions:

- i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the jurisdictional Court;
- ii) The petitioner shall appear before the Trial Court on all dates of hearing and shall cooperate for the early disposal of the case.



He shall not file any exemption application or adopt dilatory tactics, except under extraordinary and justifiable circumstances;

- iii) The petitioner shall not directly or indirectly threaten, induce, or tamper with any of the prosecution witnesses;
- iv) The petitioner shall not involve himself in any offence of a similar nature in future; and
- v) The petitioner shall not leave the jurisdiction of the Trial Court without obtaining prior permission until conclusion of the trial in S.C. No.222/2025.

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

NJ  
List No.: 1 Sl No.: 11  
CT:SI