



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.201438 OF 2025

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

BETWEEN:

1. MANJU PATIL @ MANJUR PATEL,
S/O MOINUDDIN PATEL BIRADAR,
AGE: 44 YEARS,
OCC: TRANSPORT BUSINESS,
R/O HUNASGERA, TQ.HUMNABAD,
DIST.BIDAR - 585401,
PRESENTLY RESIDING AT NO.60,
VASI SECTOR 26, VASI MUMBAI,
(MAHARASHTRA STATE).
2. SHIVANAND @ RAJU
S/O PUNDALIKAPPA METRE,
AGE: 31 YEARS, OCC: LABOUR,
R/O KANKATTA VILLAGE,
TQ.HUMNABAD,
DIST.BIDAR - 585401,
PRESENTLY RESIDING AT GODABANDAR,
WAPI ROAD,
MUMBAI (MAHARASHTRA STATE).

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI SANJAY A. PATIL, ADVOCATE)



AND:

THE STATE OF KARNATAKA
THROUGH HUMNABAD POLICE STATION,
HUMNABAD CIRCLE,
DIST.BIDAR – 585401,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

...RESPONDENT

(BY SMT. ANITHA M. REDDY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (OLD), UNDER SECTION 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION THERE BY ENLARGE THE PETITIONERS/ACCUSED NOS.1 & 2 RESPECTIVELY IN S.C.NO.5043/2025 PENDING ON THE FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE, BIDAR SITTING AT BASAVAKALYAN TO BE TRIED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 103(1), 238, 315 READ WITH 3(5) OF BNS, 2023 AS PER CHARGE SHEET (ARISING OUT CRIME NO.92/2025 REGISTERED BY HUMNABAD POLICE STATION, DISTRICT BIDAR)

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.10.2025 COMING ON FOR 'PRONOUNCEMENT OF ORDERS' THIS DAY, THE COURT MADE THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



CAV ORDER

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

The petitioners, who are arrayed as accused Nos.1 and 2, have filed the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking their release on bail in connection with Crime No.92/2025 registered by Humnabad Police Station, now pending in S.C.No.5043/2025 before the II Additional District and Sessions Judge, Bidar, sitting at Basavakalyan, for the offences punishable under Sections 103(1), 238, 315 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The brief facts, as emerging from the prosecution case, are that on 21.04.2025 at about 12 noon, the complainant noticed a male dead body floating in a well belonging to one Smt. Noorjaha Begum. The body was found with its hands and legs tied with a rope and the face covered with a plastic bag. On receipt of the complaint at 4.00 p.m. on the same day, the police registered a case against unknown persons. In the course



of investigation, the present petitioners came to be apprehended on 14.05.2025 and 16.05.2025 respectively. It is alleged that the petitioners, in their custodial statements, have confessed to the commission of the offence, pursuant to which certain recoveries are stated to have been made.

3. The learned counsel for the petitioners submits that the entire prosecution rests purely on circumstantial evidence and there is no direct material linking the petitioners to the alleged homicidal death. It is further contended that the alleged recovery is founded solely on the basis of confessional statements recorded by the police during custody, which are inadmissible under Sections 25 and 26 of the Indian Evidence Act, 1872. Except the statements allegedly made by the accused and certain conjectural inferences, there is no independent evidence to connect the petitioners with the alleged act. It is further submitted that the petitioners have been in custody since 14.05.2025 and 16.05.2025 respectively, and as the



charge-sheet has been filed, further custodial interrogation is unwarranted.

4. *Per contra*, the learned High Court Government Pleader has opposed the petition, contending that petitioner No.1 being the brother of the deceased had a motive to eliminate him on account of property dispute, and therefore, the material collected during investigation discloses their active involvement in the crime. It is argued that the nature of the offence and the gravity involved disentitle the petitioners from being enlarged on bail.

5. Having considered the rival submissions and on close scrutiny of the charge-sheet material, it is evident that the prosecution case is built entirely on circumstantial evidence. The body of the deceased was found in a decomposed state on 21.04.2025, though he was reportedly missing since January, 2025. The post-mortem report does not conclusively indicate the cause of death,



as the body had completely decomposed. The material on record further reveals that the alleged recovery and linkage of the accused to the offence are premised on confessional statements made during police custody. Except such statements and certain speculative inferences, no independent material is shown to substantiate the prosecution version.

6. The statement of the mother (C.W.15), which is relied upon by the prosecution on the contrary discloses strained relationship between the deceased and mother over partition of property. In such circumstances, when the prosecution rests upon a chain of circumstantial evidence yet to be proved at trial, continued detention of the petitioners would serve no further purpose. Since the investigation is complete and charge-sheet has already been filed, the petitioners' custodial presence is no longer necessary.



7. Having regard to the above discussion and the nature of the material collected, this Court is of the opinion that the petitioners have made out a case for grant of bail. Accordingly, the following:

ORDER

The petition is allowed.

The petitioners/accused Nos.1 and 2 shall be released on bail in S.C.No.5043/2025 pending before the II Additional District and Sessions Judge, Bidar, sitting at Basavakalyan, for the offences punishable under Sections 103(1), 238, 315 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (arising out of Crime No.92/2025 registered by Humnabad Police Station), subject to the following conditions:

- (i) The petitioners shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh



only) each with two sureties for the like sum to the satisfaction of the jurisdictional Court;

- (ii) The petitioners shall not tamper with the prosecution witnesses or evidence, either directly or indirectly;
- (iii) The petitioners shall appear before the Trial Court on all dates of hearing unless exempted for valid reasons;
- (iv) The petitioners shall not involve themselves in any criminal activity in future;
- (v) The petitioners shall not leave the jurisdiction of the Trial Court without prior permission until disposal of the case.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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