



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 202120 OF 2025

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

BETWEEN:

ARJUN S/O DHAREPPA BIRADAR
AGE: 40 YEARS, OCC: LABOUR
R/O KANAKANAL VILLAGE
TQ: INDI, DIST: VIJAYAPURA-586209

...PETITIONER

(BY SRI. LAGALI RAIMOHAN SURESH., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THE SHO/PSI.,
GANDHI CHOWK PS., VIJAYAPURA
REP. BY THE ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI-585101

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P IS FILED U/SEC. 439 OF CR.P.C (OLD),
U/SEC. 483 OF BNSS (NEW) PRAYING TO ALLOW THIS BAIL
PETITION AND THEREBY ORDER THE RELEASE OF THE
PETITIONER ON BAIL IN CRIMINAL CASSE NO.12002/2025
(ARISING OUT OF VIJAYAPURA GANDHI CHOWK PS. CRIME
NO.128/2025) PENDING BEFORE THE HONOURABLE I ADDL.
CIVIL JUDGE (JR. DN.) AND JMFC-I, COURT, VIJAYAPURA FOR





THE OFFENCES PUNISHABLE U/S. 109(1), 103, 118(2), 351(3), 352 OF BHARATIYA NYAYA SANHITA, 2023.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 483 of BNSS, 2023, by the petitioner/accused for grant of bail in Crime No.128/2025 dated 17.06.2025, registered by the Gandhi Chowk Police, Vijayapura, for the offences punishable under Sections 109(1), 103, 118(2), 351(3) and 352 of BNS, 2023, presently pending on the file of I Additional Civil Judge (Jr.Dn.) and JMFC, Vijayapura.

2. The factual matrix of the case is, the deceased in this case i.e., Anita, wife of accused lodged a complaint before respondent-Police on 17.06.2025 alleging that, she married the petitioner/accused and out of the wedlock, they begotten four children. She was working as a cook in Hallimani Hotel near Babaleshwar Naka, Vijayapura. The accused/petitioner used to visit the house of deceased occasionally and used to pick up a quarrel with her by suspecting her fidelity. Things stood thus,



on 17.06.2025 at about 04:00 p.m., the accused came to the house and picked up a quarrel with the deceased by suspecting her chastity and stabbed her with a knife on her abdomen, chest and left hand with an intention to commit her murder. By hearing her hue and cry, CW.8 to CW.10 came to her house, rescued her and thereafter, shifted her to Government Hospital, Vijayapura for treatment.

3. Later, she filed the complaint before the respondent-Police against the petitioner, which came to be registered in Crime No.128/2025 for the aforesaid offences. During the course of treatment, she succumbed to the injuries on 28.06.2025 at about 06:05 p.m. Later, by obtaining necessary permission from the Magistrate, the Investigation Officer invoked Section 103 of BNS against the petitioner and arrested him on 29.06.2025. Aggrieved by his custodial detention, he filed a regular bail application before IV Additional District and Sessions Judge at Vijayapura, in Crl.Misc.No.1603/2025. The same was dismissed vide order dated 28.11.2025. Aggrieved by the same, the petitioner is before this Court.



4. Heard learned counsel for the petitioner and learned HGCP for the respondent-State.

5. The primary contention of the learned counsel for the petitioner is, on perusal of the complaint and charge sheet materials, the incident occurred in a spur of moment, since the accused was suspecting the fidelity of her wife and there was no such intention on his part to do away the life of his wife/deceased. As such, in a sudden quarrel, the alleged incident caused and the said act not comes within the purview of Section 103 of BNS. Further he submits that, the deceased was succumbed to the injury after lapse of 11 days. In such circumstances, he prays to allow the petition.

6. *Per contra*, learned HGCP opposed the bail petition on the ground that there are five eye-witnesses to the incident including two children of the deceased and accused/petitioner. According to him, the accused used to suspect the fidelity of his wife/deceased, as such, he committed her murder. Hence, he prays to dismiss the petition.



7. I have given my anxious consideration both on the submission made by the learned counsel for the respective parties and documents available on record.

8. On perusal of the charge sheet averments, there are five eye-witnesses to the incident, among them, CW.13 and CW.14 are the minor children of the deceased and petitioner. According to the prosecution, they were present at the time of incident, apart from CW.8 to CW.10, who were the neighbors. In such circumstance, if the petitioner is enlarged on bail, there is very possibility of hampering or tampering the witnesses, including his minor children. Moreover, the incident is committed in the matrimonial home i.e., in the house of accused, hence, there is a primary presumption against the accused.

9. In such circumstances, I am of the view that the petitioner is not entitled for regular bail. Accordingly, the petition lacks merits and the same is ***dismissed***.

Sd/-
(RAJESH RAI K)
JUDGE