

(2026) 01 KAR CK 0969

In the Karnataka High Court, Principal Bench

Case No : Criminal Petition No. 16536 Of 2025 [(439(Cr.PC) / 483(BNSS))]

Malavaiah

APPELLANT

Vs

State By Channapatna Rural Police Station Channapatna Taluk

RESPONDENT

Date of Decision : 23-01-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Indian Penal Code, 1860 — Section 302, 307

Citation : (2026) 01 KAR CK 0969

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Kumar Dyavapatna, M.R. Patil

Final Decision : Dismissed

Judgement

Shivashankar Amarannavar, J

1. This petition is filed by sole accused under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023 praying to grant bail in S.C.No.62/2024 (Crime No.53/2024 of Channapatna Rural Police Station), registered for offences punishable under Sections 302 and 307 of Indian Penal Code, pending on the file of III Additional District and Sessions Judge, Ramangara Disrtrict.

2. Heard learned counsel for petitioner and learned High Court Government Pleader for respondent - State.

3. Learned counsel for petitioner would contend that, the incident has place on 6:15 p.m. on 08.03.2024 and on the same day, the typed complaint has been filed at 08.30 p.m. The complainant before filing the complaint went to the hospital and after keeping the dead body in mortuary, she came to Police Station and filed a complaint. The spot of the incident is at a distance of eight (8) kms. from the Police Station. Therefore, it is not possible for the complainant to file typed complaint within such a short span of time. C.W.2 who is stated has sustained injury is simple in nature. C.W.15 to 23 who are eye witnesses to the

incident are all relatives of the deceased and there was vengeance by them against the petitioner. C.W.1 who is the wife of deceased and also eye witness to the incident and C.W.2 who is the mother of deceased and she is injured in the incident. As the charge sheet is filed, the petitioner is not required for custodial interrogation. The petitioner is in judicial custody since 09.03.2024 and the case is now fixed for trial. With these, he prayed to allow the petition.

4. Per contra, learned High Court Government Pleader for respondent would contend that, C.W.1 is the wife of the deceased and she is the eye witness. C.W.2 is the mother of the deceased and she has sustained injury at the time of incident as the petitioner has assaulted her when she went to rescue the deceased. The postmortem report indicates that the death is due to injury to face and chest. C.W.15 to 23 are eyewitnesses to the incident. The knife has been recovered at the instance of the petitioner. The charge sheet materials show that, there is a prima-facie case against the petitioner for offences alleged against him. If the petitioner is granted bail, there is a threat to the prosecution witnesses. With these, he prayed for dismissal of the petition.

5. Having heard the learned counsels appearing for parties, the Court has perused the charge sheet and other materials placed on record.

6. The case of the prosecution as per charge sheet is that, there was difference of opinion with regard to performing the last rites of one Smt. Malavamma, the relative of petitioner and the deceased. With regard to the said difference and quarrel, the petitioner stated to have taken the knife, went to the house of deceased and made him to fall on the wood heap and assaulted him with knife on his chest, face and he sustained severe injury. At that time C.W.2 - the mother of the deceased came to rescue him and this petitioner has assaulted her with a knife and she escaped and the said assault caused injury to her left hand. The deceased died on the way to hospital.

7. The incident has taken place at 06.15 p.m. on 08.03.2024 and the complaint has been filed on the same day at 08.30 p.m. Merely because the typed complaint has been filed within a short span of time, the case of the prosecution cannot be doubted. C.W.2 is the injured and she is the mother of the deceased. C.W.1 is the wife of the deceased. Both were present on the spot at the time of the incident. They have seen the petitioner assaulting the deceased with knife on his chest, face etc. C.W.15 to 23 are the other eyewitnesses to the incident. Merely because all the eyewitnesses are relatives of the deceased, the case of the prosecution cannot be doubted. The said aspect can be considered at the trial. The postmortem report indicates that, the cause of death is due to injury to face and chest. The knife has been recovered at the instance of the petitioner. If the petitioner is granted bail, there is a threat to prosecution witnesses.

8. Considering all the above aspects, the petitioner has not made out any grounds for grant of bail. In the result, the Criminal Petition is dismissed.