

(2026) 08 KAR CK 2108
In the Karnataka High Court, Bengaluru Bench
Case No : CRIMINAL PETITION NO. 8149 OF 2026

Rafeeq K

APPELLANT

Vs

State By Uppinagady Police Station

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Cr.P.C — Section 439
BNSS, 2023 — Section 483
BNS, 2023 — Section 103(1)

Citation : (2026) 08 KAR CK 2108

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Sri. Hasainar, Smt. Rasmi Jadhav

Final Decision : Allowed

Judgement

Accused in SC No.144 of 2025 pending before the Court of III Additional District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.64 of 2025 registered by Uppinangadi Police Station, Dakshina Kannada for the offence punishable under Section 103(1) of BNS, 2023, is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.64 of 2025 was registered by Uppinangadi Police Station, Dakshina Kannada for the aforesaid offence against the petitioner herein, based on the first information dated 17.07.2025 received from Muneer, brother of deceased Zeenat. In the said case, the petitioner was arrested on 17.07.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against him for the aforesaid offences. His bail application filed before the Trial Court in SC No. 144 of 2025 was rejected on 24.11.2025. Thereafter, he is before this Court.

4. Learned counsel for the petitioner submits that CW.2, CW.3 and CW.4, who are

the eyewitnesses in the present case are now examined as PW.2 to PW.4 before the Trial Court and the said witnesses have turned hostile to the case of the prosecution. Petitioner is required to take care of his minor daughters. He has no other criminal antecedents. Accordingly, he prays to allow the petition.

5. *Per contra*, learned Additional SPP who has opposed the petition, however, does not dispute the submission made by the learned counsel for the petitioner.

6. Perusal of material on record would go to show that deceased Zeenat was the wife of the petitioner and from their wedlock, they have two minor children, who are cited as CW.2 and CW.3 in the charge sheet. Allegation against the petitioner is that he suspected his wife of having an illicit relationship with an auto-rickshaw driver and in this background, on 17.07.2025 at about 08.40 a.m. he had quarreled with his wife and thereafter, assaulted her with a knife and committed her murder. CW.1, who is the brother of the deceased, is a hearsay witness who has arrived at the spot of crime, after receiving information from the children of the petitioner namely, CW.2 and CW.3 in the charge sheet. CW.2 to CW.4 are the alleged eyewitnesses in the present case. They are now examined before the Trial Court as CW.2 to CW.4. Submission made by the learned counsel for the petitioner that PW.2 to PW.4 have turned hostile to the case of the prosecution and therefore, they have been cross examined by the learned Public Prosecutor is not seriously disputed by the learned Additional State Public Prosecutor.

7. It is not in dispute that the petitioner has no other criminal antecedents. He is in custody for the last more than 1 year. CW.2 and CW.3, who are the children of the petitioner, are minors and as rightly contended by learned counsel for the petitioner he is required to take care of them.

8. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

The Criminal Petition is allowed. The petitioner is directed to be enlarged on bail in SC No.144 of 2025 pending before the Court of III Additional District and Sessions Judge, Dakshina Kannada, Mangaluru, arising out of Crime No.64 of 2025 registered by Uppinangadi Police Station, Dakshina Kannada for the offence punishable under Section 103(1) of BNS, 2023, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.