

(2026) 08 KAR CK 2096
In the Karnataka High Court, Bengaluru Bench
Case No : CRIMINAL PETITION NO. 9633 OF 2026

Ravi G.P

APPELLANT

Vs

State By Arakere Police Station

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

IPC — Sections 498-A, 114, 302, 201 read with 149, 498A, 149
BNSS, 2023 — Section 483
Constitution of India — Article 21
Cr.P.C-U/S.439

Citation : (2026) 08 KAR CK 2096

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : SRI HONNESA B.R, SRI VINAY MAHADEVAIAH

Final Decision : Allowed

Judgement

1. Accused no.1 in S.C.No.5053/2023 pending before the Court of III Addl. District & Sessions Judge, Mandya, sitting at Srirangapatna, arising out of Crime No.96/2022 registered by Arakere Police Station, Mandya District, for the offences punishable under Sections 498-A, 114, 302, 201 read with 149 IPC, is before this Court in this successive bail application filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.96/2022 was registered by Arakere Police Station, Mandya District, for the offences punishable under Sections 498A, 114, 302, 149 IPC against the petitioner and others based on the first information dated 07.07.2022 received from Mahendra - father of deceased Yogeetha. In the said case, petitioner was arrested on 13.07.2022 and remanded to judicial custody. After completing investigation, charge sheet is filed against five accused persons. Petitioner is arrayed as accused no.1 in the charge sheet. His bail application filed before the Trial Court was earlier rejected, and therefore, he had

approached this Court in CrI.P.No.7802/2023 which was dismissed on 29.09.2023 with liberty to approach this Court afresh after the material charge-sheet witnesses are examined. It is under these circumstances, petitioner is before this Court.

4. Learned Counsel for the petitioner submits that accused CW-3 & 4 are the alleged eye-witnesses in the present case. CW-3 is examined as PW-2 and CW-4 is given up by the prosecution. As on this date, out of the 39 charge-sheet witnesses cited in the present case, only three charge-sheet witnesses have been examined. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP who has opposed the petition, however, has not disputed the submission made by the learned Counsel for the petitioner. He submits that some of the material witnesses are yet to be examined and CW-3 has supported the case of the prosecution. Accordingly, he prays to dismiss the petition.

6. Perusal of the material on record would go to show that deceased Yogeetha is the wife of the petitioner. The allegation against the petitioner is that he had illicit relationship with accused no.5 - Sheela. He was suspecting the character of his wife - Yogeetha and was regularly quarrelling with her. After Yogeetha came to know about the relationship of the petitioner with accused no.5, she had quarreled with him, and therefore, the accused persons had conspired to commit the murder of the deceased, and thereafter perform the marriage of the petitioner with accused no.5 - Sheela.

7. On 06.07.2022 at about 6.00 p.m. petitioner after quarrelling with the deceased, allegedly had assaulted her and thereafter with the help of a veil, he had strangled her neck and committed her murder. CW-3 & CW-4 are the alleged eye-witnesses to the incident in question. CW-3 who is the minor daughter of the deceased, has been now examined before the Trial Court completely as PW-2.

8. The order sheet of the Trial Court would go to show that CW-4 has been given up by the prosecution. Out of 39 charge-sheet witnesses cited in the present case, till date only three charge-sheet witnesses have been examined. Therefore, the chances of the case being disposed of on merits in the near soon is very remote.

9. In the case of **JAVED GULAM NABI SHAIKH V. STATE OF MAHARASHTRA AND ANOTHER - 2024 SCC ONLINE SC 1693** at paragraph No.19, the Hon'ble Supreme Court has observed as follows:

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime".

10. It is not in dispute that petitioner has no other criminal antecedents. All other accused persons except the petitioner have been enlarged on bail in the present case. Petitioner is in custody in the present case for the last more than four years. Under the circumstances, I am of the view that without expressing any opinion on the merits and demerits of the case, petitioner's prayer for grant of regular bail needs to be answered affirmatively considering the period of his incarceration. Accordingly, the following order:

10. The petition is allowed. The petitioner is directed to be enlarged on bail in S.C.No.5053/2023 pending before the Court of III Addl. District & Sessions Judge, Mandya, sitting at Srirangapatna, arising out of Crime No.96/2022 registered by Arakere Police Station, Mandya District, for the offences punishable under Sections 498-A, 114, 302, 201 read with 149 IPC, subject to the following conditions:

- a) 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.