



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201937 OF 2025

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

BETWEEN:

LAKYA @ LAKSHMAN
S/O CHANDU @ CHANDAPPA CHAVAN,
AGE: 34 YEARS, OCC: COOLIE,
R/O KANYAKULAR JAPA NAIK TANDA,
TQ. SHAHAPUR, HALIVASATI
MADIVALESHWAR NAGAR,
SHAHAPUR-585201.

...PETITIONER

(BY SRI. SANJAYA KULKARNI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SHAHAPUR POLICE STATION
REP. BY ADDL. S.P.P
HIGH COURT OF KARNATAKA
KALABURAGI-585101.

...RESPONDENT

(BY S.P PATIL ADDL. SPP)

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 PETITIONER ON REGULAR BAIL IN CRIME NO.242/2024 SHAHAPUR POLICE STATION, YADGIRI DISTRICT (S.C.NO.5048/2025 OLD S.C.NO.16/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTION 61, 103(1), 238 READ WITH 3(5) OF BNS ACT 2023, PENDING BEFORE THE IIND ADDL. DISTRICT AND SESSIONS COURT, YADGIRI SITTING AT SHORAPUR.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.12.2025 COMING ON FOR 'PRONOUNCEMENT OF ORDERS' THIS DAY, THE COURT MADE THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CAV ORDER

Petition is filed by the accused No.2 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in SC No.5048/2025 (Old SC No.16/2025) arising out of Crime No.242/2024 of Shahapur Police Station, Dist. Yadgir for the offence



punishable under Sections 61, 103(1), 238 read with 3(5) of Bharatiya Nyaya Sanhita, 2023 pending on the file of II Addl. District and Sessions Court, Yadgir, sitting at Shorapur.

2. The gravamen of the prosecution cases is that on 02.11.2024 complainant/the wife of the deceased lodged the complaint. She alleged that accused persons, including the present petitioner were habitual offenders, involved in theft. It is specifically alleged that about 10 to 12 days prior to the incident, the present petitioner along with accused No.1 had visited the house of the deceased, quarreled with him on the allegation that he was furnishing information to the police regarding their illegal activities and extended life threats to the deceased. On the date of the incident, deceased left his house at about 04.30 p.m. stating that he was proceeding towards Tokapur. At about 05.50 p.m. complainant received information that deceased was found dead near Tokapur cross and that he had been assaulted with deadly



weapons. The complainant lodged against accused No.1 and the present petitioner, which resulted in registration of crime. Upon completion of investigation, charge sheet came to be filed. Present petitioner was arrested on 05.11.2024 and has been in judicial custody since then.

3. Learned Senior Counsel appearing for the petitioner, reiterating the grounds urged in the petition and drawing the attention of this Court to the charge-sheet materials, would vehemently contend that the petitioner is wholly innocent and has been falsely implicated in the present crime. It is argued that a holistic reading of the charge sheet does not attribute any direct role, motive, or overt act to the petitioner. Learned Senior Counsel would submit that the FIR itself does not disclose the presence of any eyewitnesses and that the allegations against the petitioner are founded purely on suspicion and conjecture, allegedly at the behest of ill-wishers. It is further contended that there are no specific allegations of use of any weapon by the petitioner. Referring to the



statements of CW-6 to CW-10, learned Senior Counsel would point out that none of these witnesses have stated anything incriminating regarding the presence of the petitioner at the scene of occurrence and would go to the extent of submitting that these witnesses are planted. Placing reliance on the statements of CW-8 to CW-10 recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, learned Senior Counsel submits that several inferences favourable to the petitioner emerge, warranting consideration of his case for grant of bail at this stage. It is also contended that there is an inordinate and unexplained delay in recording the statements of material witnesses, coupled with apparent contradictions, which collectively weaken the prosecution case. Emphasis is laid on the fact that the petitioner has been in judicial custody since 05.11.2024.

4. Per contra, Addl. SPP appearing for the State has strenuously opposed the petition. It is submitted that the earlier bail petition filed by the petitioner was



withdrawn with liberty to seek revival only in the event of a change in circumstances. Referring to the said order, learned High Court Government Pleader would contend that the present petition does not disclose any substantial or material change in circumstances arising subsequent to the withdrawal of the earlier bail petition. It is therefore urged that the present petition, being a successive bail application, is not maintainable in the absence of any fresh or supervening circumstance, and is liable to be rejected at the threshold.

5. Having heard the learned Senior Counsel appearing for the petitioner and the learned ADDL. SPP appearing for the State, and upon careful consideration of the material on record, the following point arises for consideration:

"Whether the petitioner has demonstrated any substantial, material, and genuine change in circumstances arising after the withdrawal of the earlier



bail petition, so as to warrant reconsideration of his prayer for grant of bail?"

6. At the outset, it is necessary to note that the present petition is a successive bail application. The law governing successive bail petitions is well settled. Once a bail petition is withdrawn with liberty to approach the Court in the event of change in circumstances, a subsequent petition is maintainable only if the applicant is able to demonstrate a substantial, material, and genuine change in circumstances arising after such withdrawal. The Hon'ble Supreme Court, in ***Mohammad Sajjad v. State of Gujarat, Criminal Application No.4659/2025***, has unequivocally held that mere long incarceration or delay in commencement of trial, in the absence of any fresh circumstances or alteration in the factual matrix, by itself does not constitute a valid ground for grant of bail in a successive bail petition.



7. In the present case, the only circumstance pressed into service by the petitioner is that the trial has not yet commenced and that he has remained in judicial custody for about one year. However, this very ground was available and was in fact urged in the earlier bail petition, which was consciously withdrawn. Therefore, the said contention cannot be treated as a new or subsequent development warranting reconsideration. On the contrary, the materials on record prima facie disclose that the petitioner was not a stranger to the deceased and that there are specific allegations of prior threats, which assume considerable significance in a case involving homicidal death. The alleged visit of the petitioner along with accused No.1 to the house of the deceased shortly prior to the incident, coupled with the alleged extension of life threats, constitute relevant incriminating circumstances at this stage. Considering the gravity of the offence alleged, which is punishable with severe sentence, and bearing in mind the settled principles governing



successive bail petitions, this Court is of the considered view that the petitioner has failed to make out a case for grant of regular bail.

8. For the foregoing reasons, this Court passes the following:

ORDER

The petition is ***dismissed***.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

NJ
List No.: 3 Sl No.: 6
CT:SI