



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

CRIMINAL PETITION NO. 6535 OF 2026 (439(Cr.PC) /
483(BNSS))

BETWEEN:

1. LOHITHASWA B.K.,
AGED ABOUT 27 YEARS,
S/O. KEMPANNA,
R/O. BUGUDANAHALLI VILLAGE,
BELLAVI HOBLI,
TUMAKURU TALUK - 572 107.

...PETITIONER

(BY SRI. PRABHUGOUD B. TUMBIGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
BELLAVI POLICE STATION,
TUMAKURU, REP. BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483
BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING



THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE HIM ON BAIL IN CRIME NO.13/2026 REGISTERED BY THE BELLAVI POLICE STATION TUMAKURU/RESPONDENT POLICE FOR THE OFFENCE P/U/S 109 OF THE BNS 2023 PENDING ON THE FILE OF THE HONBLE III ADDL.CIVIL JUDGE AND JMFC TUMAKURU.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

This Criminal Petition is filed under Section 483 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS'), by the accused in Crime No.13/2026 registered by Bellavi Police Station, Tumakuru, for the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') pending on the file of the III Addl. Civil Judge (Jr.Dn) and JMFC, Tumakuru.

2. The complaint was initially filed against an unknown person alleging that a Bolero vehicle dashed from behind against the two-wheeler bearing registration No.KA-06-ER-3470 ridden by the complainant, resulting in grievous injuries



to him. Based on the said complaint, the FIR came to be registered against an unknown driver of the Bolero vehicle.

3. The records disclose that the complainant was under treatment from the date of accident i.e., 03.03.2026 to 11.03.2026. It appears that only on 27.03.2026, the complainant approached the police and the name of the petitioner came to be included in the alleged crime.

4. Sri Prabhugouda B. Tumbigi, learned counsel appearing for the petitioner, submits that the complaint was initially lodged against an unidentified Bolero vehicle and its unknown driver. Though the accident had occurred on 03.03.2026 and the complainant was discharged from the hospital on 11.03.2026, the name of the petitioner was introduced only on 27.03.2026, nearly 24 days after the alleged incident. It is submitted that the petitioner has been falsely implicated in the proceedings and there is absolutely no explanation for the delay in identifying either the vehicle or the driver.



5. *Per contra*, Smt. Rashmi Patel, learned High Court Government Pleader (HCGP) appearing for the respondent-State, submits that the investigation is in its nascent stage. It is further submitted that if the petitioner is enlarged on bail, the petitioner would evade the investigation, may not cooperate with the trial, and may tamper with the prosecution evidence or influence the witnesses.

6. Considered the submissions made by the learned counsel for the petitioner and the learned HCGP and perused the material on record.

7. It is evident from the FIR and the pleadings that the accident occurred on 03.03.2026 and the complaint was initially registered against an unknown driver of a Bolero vehicle. Admittedly, the complainant was discharged from the hospital on 11.03.2026, whereas the name of the petitioner came to be introduced only on 27.03.2026. There is no explanation forthcoming from the records for such delay in identifying the petitioner.



8. The documents on record also indicate that the allegations have subsequently been made to the effect that the petitioner intentionally attempted to kill the complainant as he was in love with the complainant's wife and intended to marry her after the death of the complainant. *Prima facie*, the allegations made in the additional report dated 27.03.2026 appear to be an improvement and an afterthought lacking *bona fides*.

9. There are no ingredients to attract the penal provisions against the petitioner. In the absence of such *prima facie* material, if the petitioner is denied bail, his personal liberty would be adversely affected.

10. For the aforesaid reasons, this Court is inclined to grant bail. Accordingly, the following:

ORDER

(i) The petition is ***allowed***.

(ii) The petitioner/accused is ordered to be enlarged on bail in Crime No.13/2026 registered by Bellavi Police Station, Tumakuru, for the offence punishable under



Section 109 of the Bharatiya Nyaya Sanhita, 2023,
subject to the following conditions:

- (a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like sum to the satisfaction of the trial Court;
- (b) The petitioner shall not tamper with the prosecution witnesses or evidence directly or indirectly;
- (c) The petitioner shall cooperate with the investigation as and when required;
- (d) The petitioner shall appear before the jurisdictional Court on all dates of hearing unless exempted for valid reasons;
- (e) The petitioner shall not indulge in any criminal activity and shall not leave the jurisdiction of the trial Court without prior permission of the Court.



**NC: 2026:KHC:25237
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In case the petitioner violates any of the aforesaid conditions, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

**SD/-
(K. V. ARAVIND)
JUDGE**

DDU
List No.: 1 Sl No.: 108