



CNR: KAHC010577112026

NC: 2026:KHC:52083
CRL.P No. 12783 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12783 OF 2026

BETWEEN:

SRI. ASHOKA H.R,
S/O RAJEGOWDA
AGED ABOUT 42 YEARS
R/O HETHAGONHALLI VILLAGE
SANTHEBAHCAHALLI HOBLI
K.R. PET TALUK, MANDYA - 577 133.

...PETITIONER

(BY SRI. HARIPRASAD M.B, ADVOCATE)

AND:

STATE OF KARNATAKA BY
K.R. PET TOWN POLICE STATION
NAGAMANAGALA SUBDIVISION CIRCLE
MANDYA DISTRICT - 577 133,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483
BNNS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND
GRANT BAIL RELEASING THE PETITIONER / ACCUSED NO.1 ON

Digitally signed
by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA





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BAIL IN S.C.NO.5082 OF 2022 IN CRIME NO.167/2022 ON THE FILE OF THE LEARNED III ADDL. DISTRICT AND SESSIONS JUDGE, AT MANDYA (SITTING AT SRIRANGAPATNA) FOR THE OFFENCE IPC, 1860 U/S 302, POLICE STATION, K.R.PET TOWN POLICE STATION, ON SUCH TERMS AND CONDITIONS AS THIS HONBLE COURT MAY DEEM FIT TO IMPOSE.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in SC No.5082 of 2022 pending before the Court of III Additional District and Sessions Judge, Mandya sitting at Srirangapatna, arising out of Crime No.167 of 2022 registered by K.R. Pet Town Police Station, Mandya District for the offence punishable under Section 302 of IPC, 1860, is before this Court in this successive bail petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.



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3. FIR in Crime No.167 of 2022 was registered by K.R. Pet Town Police Station, Mandya District for the offences punishable under Section 143, 114, 120-B, 504, 498-A, 302, 149 of IPC, 1860 against petitioner and others, based on the first information dated 19.07.2022 received from Sannadevamma mother of the deceased Rani. In the said case, petitioner was arrested on 19.07.2022 and remanded to judicial custody. After completing investigation, charge sheet is filed against the petitioner for the aforesaid offences and the six other accused persons named in the FIR were dropped in the charge sheet. Bail application filed by petitioner before the Trial Court in SC.No.5082 of 2022 was earlier rejected on 12.06.2025. Therefore, he approached this Court in Crl.P.No.9886 of 2025, which was rejected on 21.08.2025. It is under these circumstances, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 4 years.



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CW.1, who is the mother-in-law of the petitioner is now examined as PW.1 in the charge sheet. Therefore, there cannot be any apprehension that the petitioner may be tamper with the material charge sheet witnesses. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader, who has opposed the petition submits that charge sheet allegations are grave in nature and petitioner's earlier bail application was rejected. Accordingly, he prays to dismiss the petition.

6. The deceased Rani was the wife of the petitioner. The charge sheet material would reveal that the petitioner and Rani were in love and subsequently, got married in a temple, about 15 years prior to registration of the FIR in the present case. Since the parents of the petitioner had opposed the marriage, the petitioner's father had given him a share in the property and had sent him out of his house. Thereafter, the petitioner was



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residing with his wife Rani in a separate house and from their wedlock they have two children. It is alleged that since Rani was found moving with another man, the petitioner suspected her character and it is in this background, on the intervening night of 18.07.2022 and 19.07.2022, he allegedly had dropped a heavy stone on her head while she was sleeping in their house and committed her murder. The entire case of the prosecution is based on the circumstantial evidence. CW1 who is the material charge sheet witness is now examined.

7. Petitioner who has no other criminal antecedents is in custody for the last more than 4 years. He is required to take care of his children. For the last 4 years out of the 29 charge sheet witnesses cited in the present case, only one charge sheet witness is examined as PW.1.

8. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - 2024 SCC OnLine***



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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".

9. Considering the aforesaid aspect of the matter and the period of petitioner's incarceration, I am of the opinion that petitioner's prayer for grant of regular bail needs to be allowed, subject to appropriate conditions. Accordingly, the following:

ORDER

- (i) The Criminal Petition is allowed.



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(ii) The petitioner is directed to be enlarged on bail in SC No.5082 of 2022 pending before the Court of III Additional District and Sessions Judge, Mandya sitting at Srirangapatna, arising out of Crime No.167 of 2022 registered by K.R. Pet Town Police Station, Mandya District for the offences punishable under Section 302 of IPC, 1860, 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;



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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.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

AMM

List No.: 1 Sl No.: 62