HC-KAR

NC: 2026:KHC:63521
CRL.P No. 3443 of 2026

CNR: KAHC010157202026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 3443 OF 2026

BETWEEN:

STATE OF KARNATAKA
BY WOMEN POLICE STATION,
CHITRADURGA
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...PETITIONER

(BY SRI. CHANNAPPA ERAPPA, HCGP)

AND:

SOURABH N
S/O NAGABHUASHAN
AGED ABOUT 25 YEARS
JAIN COLONY, MEDEHALLY ROAD,
NEAR PRIVATE BUS STAND,
CHITRADURGA.

...RESPONDENT

(BY SRI. RANGANATHA T.R, ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.439(2) (FILED U/S.483(3) BNSS) OF CR.P.C PRAYING TO A. SET ASIDE THE ORDER DATED 27.09.2025 PASSED BY THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA, IN

CRL.MISC.NO.1022/2025 IN REJECTION OF THE APPLICATION FOR CANCELLATION OF BAIL.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This petition by the State under Section 483(3) of BNSS, 2023 is filed with a prayer to cancel the regular bail granted to respondent herein by the Court of Principal District and Sessions Judge, Chitradurga in Crl.Misc.No.1552 of 2023 vide order dated 11.12.2023.

2. Heard the learned counsel for the parties.

3. Respondent herein who was arrested in Crime No.103 of 2023 registered by Chitradurga Women Police Station, Chitradurga for the offences punishable under Section 323, 376(2)(n), 417, 504 and 506 of IPC, 1860, was granted regular bail in the said case by the Court of Principal District and Sessions Judge, Chitradurga in Crl.Misc.No.1552 of 2023 vide order dated 11.12.2023 subject to certain conditions.

Condition Nos.3 and 5 imposed by the learned Sessions Judge in Crl.Misc.No.1552 of 2023 reads as follows:

> *"3. He shall not threaten or tamper with prosecution witnesses directly or indirectly.*
>
> *4. xxx,*
>
> *5. He shall mark his attendance before the Investigating Officer every alternative days between 10.00 a.m. to 5.00 p.m., till final report is filed.*"

4. Alleging that the aforesaid two conditions have been violated by the respondent/ State had filed Crl.Misc.No.1022 of 2025 before the learned Sessions Judge with a prayer to cancel the bail granted to respondent in Crl.Misc.No.1552 of 2023. The said petition was dismissed on 27.09.2025. It is under these circumstances, the State is before this Court.

5. According to the learned High Court Government Pleader, the respondent has violated the aforesaid conditions and therefore, the learned Sessions Judge was not justified in rejecting the petition filed by the State in Crl.Misc.No.1022 of 2025 for cancellation of bail granted to respondent.

6. *Per contra*, learned counsel for the respondent submits that the petitioner has not violated any one of the condition imposed in Crl.Misc.No.1552 of 2023. He submits that as on this date, CW1 to CW5 have been already examined before the Trial Court.

7. For the purpose of demonstrating that the respondent herein has threatened the prosecution witnesses, learned High Court Government Pleader has placed reliance on the FIR registered against respondent herein in Crime No.167 of 2024 by Chitradurga Extension Police Station, Chitrdurga for the offences punishable under Section 126(2), 351(3), 352 read with Section 3(5) of BNS, 2023. The first informant in the said case is the father of the victim girl in the present case. Allegation in the first information in Crime No.167 of 2024 is that, on 28.10.2024, the petitioner and another had abused and threatened the first informant for the reason that he had got registered a case against the respondent. However, in respect of the alleged incident that had taken place on 28.10.2024, the first information was belatedly filed on 14.11.2024, which is after a delay of more than 2 weeks.

8. The other condition which is said to have been violated by the respondent is regarding marking of his attendance before the Investigating Officer. Condition No.5 in Crl.Misc.No.1552 of 2023 directed the respondent to mark his attendance before the Investigating Officer on every alternative days between 10.00 a.m. to 5.00 p.m., till final report is filed. In the present case after completing investigation final report was filed by the Investigating Officer in the month of January 2024. Thereafter, there was no requirement for the respondent to mark his attendance before the Investigating Officer. Petition under Section 439(2) of Cr.P.C was filed before the Trial Court for cancellation of bail granted to respondent in Crl.Misc.No.1552 of 2023 in the year 2025, which is after a lapse of more than 1 year from the date the final report was filed in Crime No.103 of 2023.

9. Under these circumstances, I am of the opinion that the state has not made any good grounds to cancel the regular bail granted to respondent herein, more so considering the fact that the victim girl and other material charge sheet witnesses

have been already examined before the Trial Court in the present case. Accordingly, the following:

O R D E R

(i) The criminal petition is hereby ***dismissed***.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 42