HC-KAR

NC: 2026:KHC:24484
CRL.P No. 6008 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL PETITION NO. 6008 OF 2026 (439(Cr.PC) / 483(BNSS))

BETWEEN:

VEERESHA
S/O. THIPPESHWAMY,
AGED ABOUT 38 YEARS,
PRESENTLY R/AT
BESIDE EURO KIDS SCHOOL.
OPP SUPER MARKET MORE,
HULIYAR ROAD,
HIRIYUR TOWN CHITRADURGA - 577 598,

PERMANENT R/AT: SOORAGONDANAHALLI
HIRIYUR TALUK,
CHITRADURGA-577 598.

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
BY HIRIYUR POLICE STATION,
CHITRADURGA DISTRICT.
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE-560 001.

...RESPONDENT

(BY SMT. ASMA KOUSER, ADDL SPP)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO RELEASE HIM ON BAIL IN CRIME NO.16/2023 [SC NO.41/2023] OF HIRIYUR POLICE

STATION, CHITRADURGA DISTRICT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 323, 307, 436, 498A, 504 AND 506 OF INDIAN PENAL CODE PENDING ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner who is accused of offences registered under Sections 323, 307, 436, 498A, 504, 506 of IPC in Crime No.16/2023 before Hiriyur Police Station is before this Court seeking regular bail being aggrieved by order dated 25.03.2026 by which his application filed under Section 439 Cr.P.C has been dismissed. Petitioner had been earlier granted bail on 09.08.2023.

2. Learned counsel for the petitioner submits that the petitioner was prompt and regular in his appearance before the trial Court. That on 10.12.2025, charge was framed and read over. Since petitioner pleaded not guilty, matter was set down for fixing up the date for trial on 30.12.2025 on which date petitioner was present. Thereafter the Presiding Officer was on

leave on three consecutive days namely 02.02.2026, 03.02.2026 and 04.02.2026 and petitioner had filed application for his exemption. However on 13.02.2026 petitioner was absent and was not exempted resulting in issuance of non-bailable warrant pursuant to which the petitioner has been arrested on 27.02.2026 and he has been remanded to judicial custody.

3. Learned Additional SPP opposes the petition.

4. The daily order sheet maintained in the case noted above indicate that the Presiding Officer was on leave for three days during which the matter was set down for fixing up of the date for trial. It is not uncommon that when the Presiding Officer is on leave the matter would be called before the in charge Court and exemption application would be filed. Even otherwise the presence of petitioner before the in charge Court would not have made much of a difference as the purpose for which the matter was posted would not have been achieved. The trial Court has erred in not appreciating this aspect of the matter while passing the impugned order.

Accordingly the following:

ORDER

(i) Criminal Petition is ***allowed***.

(ii) The accused/petitioner is directed to be enlarged on bail in Crime No.16/2023 for the offences punishable under Sections 323, 307, 436, 498A, 504, 506 of IPC subject to following conditions:

a) The accused/petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court.

b) The accused/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 accused/petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses.

d) The accused/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/-
(M.G.S. KAMAL)
JUDGE

SBN
List No.: 4 Sl No.: 50