HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

CRIMINAL PETITION NO.16221 OF 2025

BETWEEN:

MR. KRISHNA POOJARI
S/O BHOJA POOJARI,
AGED ABOUT 47 YEARS,
OCC.: LABOURER,
R/O KUPPALI, NILUVAGILU VILLAGE,
KOPPA TALUK - 577 123.

PERMANENT RESIDENCE AT:
MANTRADI, HOSAMARU VILLAGE,
KARKALA TALUK,
UDUPI DISTRICT - 574 104.

...PETITIONER

(BY SRI. ASHWIN JOYSTON KUTI, ADVOCATE FOR
SRI. RENSPRE PRITHESH DSOUZA, ADVOCATE)

AND:

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

STATE OF KARNATAKA
THROUGH BALEHONNUR POLICE STATION,
CHIKAMAGALURU DISTRICT.
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 (FILED U/S.483 OF BNSS) OF THE CRIMINAL PROCEDURE CODE PRAYING TO RELEASE THE PETITIONER ON REGULAR BAIL CONDITIONALLY PENDING TRIAL IN S.C.NO.75/2023 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 506 AND

302 OF THE INDIAN PENAL CODE PENDING ON THE FILE OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU WHICH IS REGISTERED IN PURSUANCE OF CRIME NO.30/2023 OF BALEHONNUR POLICE STATION, CHIKKAMAGALURU DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

This petition is filed under Section 439 of the Criminal Procedure Code *(Section 483 of Bharatiya Nagarik Suraksha Sanhita)* praying to enlarge the petitioner/accused on Bail in S.C. No.75/2023 for the offences punishable under Section 504, 506 and 302 of the Indian Penal Code pending on the file of the I Additional District and Sessions Judge, Chikkamagluru, which is registered in pursuance of Crime No.30/2023 of Balehonnur Police Station, Chikkamagaluru.

2. Heard Sri. Ashwin Joyston Kuti, learned counsel on behalf of Sri. Renspre Prithesh D'souza, appearing for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader appearing for the respondent-State. Perused the material on record.

3. It is contended by learned counsel appearing for the petitioner that the charge sheet has been filed before the competent Court and this Court can impose any condition to be followed by the petitioner for enlarging him on Bail. It is also submitted by learned counsel appearing for the petitioner that, there is no element of pre-meditation on prior conspiracy to commit the alleged offence.

4. It is also argued by learned counsel appearing for the petitioner that the case of the petitioner has to be considered as per exception to Section 301 of the Indian Penal Code. Accordingly, he sought for allowing the petition.

5. Per contra, learned High Court Government Pleader appearing for the respondent opposed the petition and submitted that there was an intention to kill his brother-in-law by the petitioner. Therefore, she sought for dismissal of the petition.

6. In the light of submission made by learned counsel appearing for the parties, on careful consideration of the petition papers, the same would indicate that, the petitioner is an accused in Crime No.30/2023 of Balahonnur Police Station,

Chikkamagaluru registered for the offences punishable under Sections 307, 324 and 504 of the Indian Penal Code. On perusal of the complaint, the same would indicate that the petitioner killed his brother-in-law (sister's husband). The material on record also *prima facie* evidencing that the petitioner had an intention to commit the alleged offence. In that view of the matter, in the event, if the petitioner is released on Bail, there is a possibility of threatening the prosecution witnesses. Therefore, I am of the view that, the petition filed for grant of Bail under Section 439 of the Criminal Procedure Code deserves to be rejected. Accordingly, Criminal Petition is ***dismissed.***

SD/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 1