

Bhimappa Govindappa Chavhan vs The State Of Karnataka on 18 February, 2025

Author: Ravi V.Hosmani

Bench: Ravi V.Hosmani

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NC: 2025:KHC-D:3257
CRL.P No. 100487 of 2025
C/W CRL.P No. 103833 of 2024

IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH

DATED THIS THE 18TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

CRIMINAL PETITION NO.100487 OF 2025
[439(CR.PC)/483(BNSS)]

C/W

CRIMINAL PETITION NO.103833 OF 2024
[439(CR.PC)/483(BNSS)]

IN CRL.P.NO.100487/2025:

BETWEEN:

1. BHIMAPPA GOVINDAPPA CHAVHAN
AGE: 57 YEARS,
OCC. AGRICULTURE,
R/O. KALLOLI VILLAGE,
MUDALAGI TALUK,
BELAGAVI DISTRICT-591224.

Digitally
signed by
MALLIKARJUN
MALLIKARJUN RUDRAYYA
RUDRAYYA
KALMATH

KALMATH
Date:

2. SHRI HANAMANT BHIMAPPA CHAVHAN

2025.02.20

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AGE: 25 YEARS,
OCC. AGRICULTURE,
R/O. KALLOLI VILLAGE,
MUDALAGI TALUK,
BELAGAVI DISTRICT-591224.

3. SHRI NAGAPPA LAXMAN PADATARI
AGE: 48 YEARS,
OCC. AGRICULTURE,
R/O. KANKANAWADI,
RAIBAG TALUK,
BELAGAVI DISTRICT-591222.

4. SHRI NINGAPPA LAXMAN PADATARI
AGE: 35 YEARS,
OCC. AGRICULTURE,

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R/O. KANKANAWADI,
RAIBAG TALUK,
BELAGAVI DISTRICT-591222.

5. SHRI PRAKASH LAXMAN PADATARI
AGE: 38 YEARS, OCC. AGRICULTURE,
R/O. KANKANAWADI,
RAIBAG TALUK,
BELAGAVI DISTRICT-591222.

... PETITIONERS

(BY SRI V.M.BANAKAR, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH GHATAPRABHA POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH,
DHARWAD-580011.

... RESPONDENT

(BY SMT. GIRIJA S.HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF
BNSS 2023, SEEKING TO ALLOW THIS CRIMINAL PETITION AND BE
TO PASS AN ORDER, RELEASING THE PETITIONERS NOS.1 TO
5/ACCUSED NOS.1, 2, 4 TO 6 ON BAIL IN GHATAPRABHA P.S. CRIME
NO.141/2024 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS

115(2), 118(1), 118(2), 126(2), 189(2), 190, 191(2), 191(3),
351(2), 352, 109(1), 103(1) OF BNS 2023, PENDING ON THE FILE
OF CIVIL JUDGE AND JMFC, MUDALAGI IN C.C.NO.4698/2024.

IN CRL.P.NO.103833/2024:

BETWEEN:

1. RAJU
S/O. GANGAPPA KANAWADE,
AGE: 58 YEARS,
OCC. AGRICULTURE,
R/O. KANKANAWADI, RAIBAG TALUK,
DISTRICT: BELAGAVI.

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2. CHETAN
S/O. RAJU KANAWADE,
AGE: 58 YEARS,
OCC. AGRICULTURE,
R/O. KANKANAWADI,
RAIBAG TALUK,
DISTRICT: BELAGAVI.
3. UMESH
S/O. MANAPPA PADATARE,
AGE: 36 YEARS,
OCC. AGRICULTURE,
R/O. KANKANAWADI,
RAIBAG TALUK,
DISTRICT: BELAGAVI.

... PETITIONERS

(BY SRI PRASHANT MATHAPATI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH PI GHATAPRABHA POLICE STATION,
NOW REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
DHARWAD.

... RESPONDENT

(BY SMT. GIRIJA S.HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF CODE OF BNSS 2023, PRAYING TO GRANT BAIL INSOFAR AS THE PETITIONERS/ACCUSED NO.7 TO 9 IN GHATAPRABHA P.S.CR.NO.141 OF 2024 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 118(1), 118(2), 126(2), 189(2), 190, 191(2), 191(3), 351(2), 352, 109(1), 103(1) OF BNS 2023, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC, MUDALAGI.

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

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NC: 2025:KHC-D:3257
CRL.P No. 100487 of 2025
C/W CRL.P No. 103833 of 2024

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI) These petitions are filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for grant of regular bail in Crime no.141/2024 by Ghataprabha Police Station, for offences punishable under Sections 115 (2), 118 (1), 118 (2), 126 (2), 189 (2), 190, 191 (2), 191 (3), 351 (2), 352, 109 (1) and 103 (1) of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'). While Crl.P.no.100487/2025 is filed by accused no.1, 2 and 4 to 6, Crl.P.no.103833/2024 is filed by accused no.7 to 9.

2. Prosecution case against petitioners herein is based on complaint filed by Smt.Sunanda Vittal Chavan (complainant) stating she was homemaker residing with husband Vittal and children at Kalloli village. That there was love marriage of Amrata, daughter of Vittal's elder brother Bheemappa Chavan with Prajwal of Kankanawadi village, about three months earlier. But, there were rumors in village about she being pregnant. Alleging that such rumors were spread by complainant and her family, on 30.08.2024 at 7:00 p.m., Bheemappa Chavan, Hanumant Chavan, Lakshman Padathare, NC: 2025:KHC-D:3257 Ningappa Padathare, Prakash Padathare, Raju Kanwade, Chetan Kanwade, Umesh Padathare and Manappa Padathare trespassed onto land of complainant holding sticks and axe asking them why they were concerned about Amrata, which led to quarrel and accused no.1 held Vittal (victim) tightly while Ningappa and Nagappa hit him on his head and left leg. Lakshman assaulted him with stone. Prakash assaulted complainant's son and while Raju and Chetan Kanwade held her son Sachin, Ningappa assaulted him with hands and stick and Hanumant Chavan with axe cutting his right hand fingers. Thereafter, Umesh and Manappa also assaulted victim and his children. Hearing their cries for help, villagers and neighbors assembled and saved them. But while leaving accused threatened complainant not to spare them.

3. On said complaint, Crime no.141/2024 (supra) was registered. After victim died during treatment on 04.09.2024 at Lake View Hospital, Belagavi, and though petitioners had not committed any offences as alleged, they were falsely implicated for offences under Sections 189 (2), 191 (2), 191 (3), 115 (2), 118 (1), 118 (2), 126 (2), 352, 351 (2), 109 (1), 103 (1) read NC: 2025:KHC-D:3257 with

Section 190 of BNS and charge sheet was filed on 19.10.2024.

4. Sri VM Banakar and Sri Prashanth Matapati respective counsel submitted in respect of incident on 30.08.2024, there was another complaint filed by Smt.Uma Bhimappa Chavan on 03.09.2024 at 19:30 hours alleging assault by Sachin Vitthal Chavan, Vitthal Govindappa Chavan, Vasant Govindappa Chavan, Amit Vasant Chavan, Maruti Vittal Chavan, Smt.Sunanda Vittal Chavan, Smt.Surekha Vasant Chavan, Smt.Sukanya Vittal Chavan, Smt.Priyanka Vasant Chavan, Smt.Sonavva Maruti Hallur. It was therefore submitted that incident in question involved complaint and counter complaint. It was submitted, since petitioners were under treatment Giraddi Hospital in Mudalagi there was delay of 3½ days in filing complaint. It was submitted, accused no.3 and 10 were on anticipatory bail whereas accused no.1 and 6 were arrested on 03.09.2024, accused no.2 and 4 to 9 were arrested on 10.09.2024. It was submitted, while they were in custody, prosecution had completed investigation and filed charge sheet on 19.10.2024. It was submitted, in view of fact that accused in Crime no.147/2024 were absconding, investigation was not NC: 2025:KHC-D:3257 yet completed and charge sheet not yet filed. It was submitted, there was delay of 1½ days in filing complaint in instant case as FIR was registered on 01.09.2024 at 12:15 a.m. in respect of incident that had occurred at 7:00 p.m. on 30.08.2024. It was submitted, said delay would give rise for possibility of improvisation and implication of all family members for wrecking vengeance. There are no criminal antecedents. It was submitted, since prosecution was seeking to examine 35 witnesses, completion of trial was likely to be delayed. Therefore submitted petitioners were entitled for bail.

5. On other hand, Smt.Girija S. Hiremath, learned HCGP for State opposed petition. It was submitted, offences alleged against petitioners were grave and heinous. It was submitted, Vittal one of victims who had sustained injuries in assault had died on 04.09.2024 and therefore petitioners were charged with offence under Section 103(1) of IPC also. It was submitted, since same was punishable with death or imprisonment for life and nature of offence was heinous, petitioners were not entitled for bail. It was submitted CWs.10 and 11 were injured eyewitnesses and in their statement recorded under Section 180 of BNSS, they had supported NC: 2025:KHC-D:3257 prosecution case. Apart from them, even CWs.12 to 15 were eyewitnesses. It was submitted, complaint contained specific overt-acts insofar as each of accused and Postmortem Examination Report of Vittal and treatment records of other injured would support prosecution case. It was submitted, thus there was prima facie material to indicate commission of offences. Hence, petitioners were not entitled for bail.

6. Heard learned counsel and perused material available.

7. From above, point that arises for consideration is:

"Whether petitioners are entitled for regular bail on conditions?"

8. As stated above, these petitions are for regular bail by accused no.1, 2, 4 to 6 and 7 to 9 in Crime no.141/2024 (supra). Nature of offences would be heinous as victim Vittal Govindappa Chavan had died during treatment.

9. Postmortem Examination Report would indicate that death was as a result of Cranio Cerebral injuries as a result of blunt force added with secondary complication from left leg compartment syndrome. Though offence under Section 103(1) of BNS would be punishable with death or imprisonment for life, NC: 2025:KHC-D:3257 cause of death in postmortem report would suggest death was due to medical complications. Whether death was as a direct consequence of injury sustained would require to be established during trial.

10. It is seen that in respect of same incident, two crime numbers namely Crime no.141/2024 under consideration herein as well as Crime no.147/2024 are registered. While charge sheet is already filed in instant case, investigation is stated to be pending in Crime no.147/2024, apparently as accused are absconding. Though Crime no.141/2024 is earlier it suffers from delay of one and half days. While Crime no.147/2024 is filed after delay of three and half days. Whether there is improvisation and false implication would be matter for trial. Since investigation is already completed and charge sheet is filed, while petitioners were in custody, there would be no need for their custodial interrogation. Even petitioners' submission that they are law abiding citizens without any criminal antecedents, have not been denied or disputed. In view of above, point for consideration is answered in affirmative. Consequently following:

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NC: 2025:KHC-D:3257 ORDER Both criminal Petitions are allowed. Petitioners - accused no.1, 2 and 4 to 6 in CrI.P.no.100487/2025 and petitioners - accused no.7 to 9 in CrI.P.no.103833/2024 are released on bail in Crime no.141/2024 of Ghataprabha Police Station for offences punishable under Sections 115 (2), 118 (1), 118 (2), 126 (2), 189 (2), 190, 191 (2), 191 (3), 351 (2), 352, 109 (1) and 103 (1) of BNS, subject to following conditions:

- a) Each of petitioners i.e. accused no.1, 2, 4 to 6 and 7 to 9 shall separately execute personal bonds for a sum of Rs.1,00,000/- with one surety for likesum to satisfaction of Court.
- b) They shall not attempt to contact, intimidate, threaten or tamper with any prosecution witnesses either directly or indirectly.
- c) They shall not indulge in any criminal activities.
- d) They shall be regular in attending Court proceedings.
- e) They shall forthwith inform change of residence to Investigating Officer.
- f) It is clarified that views expressed are prima facie and shall not influence final outcome after trial.

SD/-

(RAVI V.HOSMANI) JUDGE GRD,CLK,EM