IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 261 OF 2025 (439(Cr.PC) / 483(BNSS))

C/W

CRIMINAL PETITION NO. 314 OF 2025 (439(Cr.PC) / 483(BNSS))

IN CRL.P No. 261/2025

BETWEEN:

DARSHAN @ CHITTE
S/O MALERANGAIAH,
AGED ABOUT 21 YEARS
R/ AT MUGGONDANAHALLI VILLAGE,
KASABA HOBLI, KORATAGERE TALUK
TUMKUR DISTRICT - 572129.

...PETITIONER

(BY SRI RAVIKUMARA B. R., ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

STATE BY KORATAGERE POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT BUILDING - 560001
BENGALURU.

...RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO GRANT BAIL TO THIS PETITIONER IN

CRIME NO.220/2024 KORATAGERE P.S., (C.C.NO.775/2024) FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 103, 61, 190, 351(2) OF BNS 2023 PENDING BEFORE THE CIVIL JUDGE AND JMFC COURT, KORATAGERE, TUMKURU ON SUCH TERMS AND CONDITIONS WHICH THIS HON'BLE COURT DEEMS FIT TO PASS IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN CRL.P NO. 314/2025

BETWEEN:

RANGASWAMY S/O LATE VENKATARAMU,
AGED ABOUT 44 YEARS,
R/AT 2ND "A" CROSS, ARUNDHATHI NAGARA,
CHANDRA LAYOUT, BANGALORE-560040

...PETITIONER

(BY SRI RAVIKUMARA B. R., ADVOCATE)

AND:

1. STATE BY KORATAGERE POLICE STATION,
   REPRESENTED BY SPP,
   HIGH COURT BUILDING-560001.

...RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO GRANT ANTICIPATORY BAIL TO THIS PETITIONER IN CR.NO.220/2024 (C.C.NO.775/2024) FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 103, 61, 190, 351(2) OF BNS 2023 PENDING BEFORE THE CIVIL JUDGE AND JMFC COURT, KORATAGERE, TUMAKUR

ON SUCH TERMS AND CONDITIONS WHICH THIS HON'BLE COURT DEEMS FIT TO PASS IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

COMMON ORAL ORDER

Accused Nos.4 and 5 in Crime No.220/2024 registered by Koratagere Police Station, Tumakuru, for the offences punishable under Sections 103, 61, 190, 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023') are before this Court in these two petitions under Section 483 of Bharatiya Nagarika Surakahs Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.220/2024 was registered by Koratagere Police Station, Tumakuru, initially for the offence punishable under Section 103 of BNS, 2023, against one Govindaraju @ Gunda and two others on the basis of the first information dated 30.07.2024, received from Basavaraju, a

Police Officer attached to Koratagere Police Station. In the first information dated 30.07.2024, it is mentioned that, on 28.07.2024 at about 11.00 a.m., one Sri. Partha appeared in the Koratagere Police Station and informed that, at about 9.30 p.m., on the said date, when he was riding his motorbike, he found one person lying on the roadside, whom he identified as Prakash Jamadar, husband of Harshitha. Prakash Jamadar was not in a position to talk and Partha presumed that, Prakash Jamadar might have met with an accident and therefore, he admitted him into a Hospital, wherein, he was declared as dead. Therefore, he approached the police and a UDR case bearing No.27/2024 was registered. During the course of investigation of the UDR case, the postmortem of the dead body of the deceased Prakash was performed and in the postmortem report, it was mentioned that, the death is due to hemorrhage as a result of stab injury to the chest. During the course of enquiry of the UDR case, the Investigating Officer learnt that, accused No.2-Harshitha had left her husband a few days back and stayed with accused No.1-Gondaraju, with whom she had

illicit relationship for a certain period and thereafter, she had retuned home and there was a quarrel between the husband and wife and accused No.1 allegedly had threatened Prakash with dire consequences. It is in this background, a FIR was registered against accused No.1 Sri. Govindaraju and two others, initially. During the course of investigation, the petitioners herein were arrested on 30.07.2024 and subsequently, remanded to judicial custody. The investigation of the case is completed and the charge-sheet has been filed against six persons. The petitioners herein are arrayed as accused Nos.4 and 5 in the charge-sheet. Their bail application before the jurisdictional Sessions Court was rejected. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that, the petitioners name is not found in the FIR and they do not have any criminal antecedents. The entire case of the prosecution is based on circumstantial evidence. Accordingly, he prays to allow the petitions.

5. Per contra, learned High Court Government Pleader has opposed the petition and prays to dismiss the petition.

6. The material on record would go to show that, after injured Prakash Jamadar had died in the hospital, initially a UDR case was registered and subsequently on suspicion a FIR was registered against accused Nos.1 to 3. The petitioners name is not found in the FIR and they were arrested during the course of investigation on 30.07.2024 and subsequently remanded to judicial custody. The investigation of the case is completed and charge-sheet has been filed.

7. Undisputedly, the entire case of the prosecution is based on circumstantial evidence. The petitioners do not have any criminal antecedents. Even as per the charge-sheet allegation, the accused No.1 allegedly assaulted the deceased with deadly weapon and accused Nos.2 to 6 had caught hold of the deceased, so as to enable accused No.1 to commit his murder. Having regarding to the aforesaid aspects of the matter, I am of the opinion that, the prayer

made by the accused Nos.4 and 5 needs to be answered affirmatively. Accordingly, the following :

ORDER

The petitions are allowed.

The petitioners/accused Nos.4 and 5 are directed to be enlarged on bail in Crime No.220/2024 of Koratagere Police Station, Tumakuru district, registered for the offences punishable under Sections 103, 61, 190 and 351(2) of BNS, 2023, pending in C.C.No.775/2024 on the file of learned Civil Judge and JMFC Court, Koratagere, Tumkuru district, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- with two sureties each for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 19 Sl No.: 10
CT:PK