IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 466 OF 2025 (439(Cr.PC) / 483(BNSS))

BETWEEN:

1. SANTHOSHA N @ APPULU
   S/O. NARAYANAPPA,
   AGED ABOUT 26 YEARS,
   R/AT VADARAPALYA VILLAGE, KASABA HOBLI,
   DODDABALLPURA TALUK,
   BENGALURU RURAL DISTRICT-561203.

2. HARISH @ HARI
   S/O RAJANNA
   AGED ABOUT 27 YEARS,
   R/AT RAMAIAHANAPALYA VILLAGE, KASABA HOBLI,
   DODDABALLPURA TALUK,
   BENGALURU RURAL DISTRICT-561203.

...PETITIONERS

(BY SRI SHARATH N R., ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA BY
BY DODDABALLAPURA RURAL POLICE STATION,
BENGALURU DISTRICT- 561203.

REPRESENTED BY,
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU- 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN S.C.NO.10022/2024 (CR.NO.154/2024) OF RESPONDENT-DODDABALLAPURA POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 302, 323, 364, 201, 120B R/W SEC.149 OF IPC, PENDING ON THE FILE OF THE IV ADDL. DISTRICT AND SESSIONS JUDGE, DODDABALLAPURA, BENGALURU RURAL DISTRICT.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.3 and 4 in S.C.No.10022/2024 pending before the Court of IV Additional District and Sessions Judge, Doddaballapura, Bengaluru Rural District, arising out Crime No.154/2024, registered by Doddaballapura Rural Police Station, Bengaluru district, for the offences punishable under Sections 143, 147, 148, 302, 323, 364, 201, 120B r/w. Section 149 of IPC, are before this Court under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.154/2024 was registered by Doddaballapura Rural Police Station, Bengaluru district, initially for the offences punishable under Sections 143, 147, 148, 149, 302 and 323 of IPC, against one Narasimhamurthy and nine others, on the basis of the first information dated 11.05.2024 received from Shashikumar S/o. late Chikkajanappa, who is the father of the deceased Hemanthgouwda. During the course of investigation of the case, the accused No.3 was arrested on 17.05.2024 and accused No.4 was arrested on 23.05.2024. The investigation of the case is completed and the charge-sheet has been filed. Petitioners are arrayed as accused Nos.3 and 4 in the charge-sheet. The bail application filed by them before the jurisdictional Sessions Court in Criminal Misc. No.10238/2024 was rejected on 04.01.2025 and therefore, they are before this Court.

4. Learned counsel for the petitioners submits that, the allegation against the accused No.2 to 10 in the charge-sheet is similar. This Court has already granted regular bail to accused Nos.2 and 5 to 10. The petitioners have no other criminal antecedents. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader who has opposed the petition does not dispute the submission made by the learned counsel for the petitioner.

6. The material on record would go to show that, the allegation of assaulting the deceased Hemanthgowda is found only as against accused No.1-Narasimhamurthy. C.W.2 to C.W.6 who are the alleged eyewitnesses in the present case have not spoken to about the overt acts committed by any other accused persons named in the charge-sheet, except accused No.1-Narasimhamurthy. It is not in dispute that, the FIR was registered against Narasimhamurthy and others. The name of the accused Nos.2 to 10 is not found in the FIR. No 'Test Identification Parade' has been conducted in the present case in the manner known to law. It is under these circumstances, similarly placed other accused persons have been granted regular bail by this Court in Criminal Petition No.11653/2024 and connected matters. Undisputedly, the petitioners have no other criminal antecedents. Under the circumstances, I am of the opinion that, the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively. Accordingly, the following order:

ORDER

The petition is allowed.

The petitioners/accused Nos.3 and 4 are directed to be enlarged on bail in Crime No.154/2024 of Doddaballapura Rural Police Station, Benglauru District, registered for the offences punishable under Sections 143, 147, 148, 149, 302, 323, 364, 201, 120B read with Section 149 of IPC, pending in S.C.No.10022/2024 on the file of learned IV Additional District and Sessions Judge, Doddaballapura, Bengaluru Rural 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 his 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.: 11
CT:PK