IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.1245 OF 2025 (439(Cr.PC) / 483(BNSS))

C/W

CRIMINAL PETITION NO.1379 OF 2025 (439(Cr.PC) / 483(BNSS))

IN CRL.P No. 1245/2025

BETWEEN:

H. C. SATHISHA @ SATHI S/O LATE CHANDRAIAH,
AGED ABOUT 34 YEARS,
R/AT METI CIRCLE HIRISAVE HADYA VILLAGE,
DUDDA HOBLI, MANDYA TALUK,
MANDYA DISTRICT-571405.

...PETITIONER

(BY SRI HARSHA KUMAR GOWDA H R., ADVOCATE)

AND:

STATE OF KARNATAKA,
CHANNARAYAPATNA TOWN POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560001

...RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 483 OF BNSS ACT 2023. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.189/2024 OF CHANNARAYAPATNA TOWN POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 311, 352, 351(2), 351(3), 310(2), 309(6) AND 312 OF BNS, PENDING ON THE FILE OF THE LEARNED IV ADDL. DISTRICT AND SESSIONS JUDGE, HASSAN SITTING AT CHANNARAYAPATNA, HASSAN.

IN CRL.P NO. 1379/2025

BETWEEN:

ROHITH N @ GUNDA S/O NAGARAJU,
AGED ABOUT 32 YEARS,
R/O. KOLLENAHALLI VILLAGE,
SUBBANAHALLI POST,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT-573116.

...PETITIONER

(BY SRI ANAND R. V., ADVOCATE)

AND:

STATE OF KARNATAKA
BY CHANNARAYAPATNA TOWN POLICE STATION,
HASSAN DISTRICT-573116,
REP. BY STATE PUBLIC PROSECUTOR,
ATTACHED HIGH COURT BUILDINGS,
BENGALURU -560001

...RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S 483 OF BNSS 2023 PRAYING TO ENLARGE HIM ON REGULAR BAIL IN CRIME NO.189/2024 (CHANNARAYAPATNA TOWN POLICE STATION, HASSAN DISTRICT) (S.C.NO.213/2024) FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 311, 352, 351(2), 351(3), 310(2), 309(6) AND 312 OF BNS ON THE FILE OF IV ADDL. DISTRICT AND SESSIONS JUDGE,

HASSAN DISTRICT, CHENNARAYAPATNA, HASSAN DISTRICT.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.1 and 6 are before this Court in these two petitions filed under Section 483 of BNSS, 2023 seeking regular bail in Crime No.189/2024 registered by Channarayapatna Town Police Station, Hassan for the offences punishable under Sections 311, 352, 351(2), 351(3), 310(2), 309(6) and 312 of BNS, 2023.

2. Heard learned counsel for the parties.

3. FIR in Crime No.189/2024 was registered by Channarayapatna Town Police Station, Hassan for the aforesaid offences on the basis of the first information dated 28.07.2024 received from Manikanta M.S. against unknown five persons. During the course of investigation, accused No.1 was arrested on 17.08.2024 and accused

No.6 was arrested on 11.08.2024 and subsequently they were remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed. The bail applications filed by the petitioners, who are arrayed as accused Nos.1 and 6 in the charge sheet was rejected by the Trial Court. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that the petitioners are persons, who have no other criminal antecedents. After they were arrested in the present case, they have been produced under body warrant in Crime No.35/2024 registered by Nuggehalli Police Station, Hassan. Similar allegations are found as against all the other accused persons in the present case. Accused No.4 has been granted regular bail by this Court in Criminal Petition No.12644/2024 and accused Nos.5 and 8 have been granted regular bail by this Court in Criminal Petition Nos.524/024 and 578/2025. Accordingly, he prays to allow the petitions.

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

6. In the present case, FIR was initially registered against five accused persons on the basis of the first information dated 28.07.2024 received from one Manikanta M.S. During the course of investigation, eight accused persons were arrested and remanded to judicial custody. After investigation, charge sheet has been filed against said eight accused persons. The allegation in the charge sheet is that accused Nos.1, 2 and 8 had arrived at the spot of crime in two wheelers, whereas, accused Nos.3 to 7 had arrived in a car bearing registration No.KA-55/M-8445. In the complaint, it is averred that five accused persons who came in a car took out a dragon knife and after threatening the first informant and his friend, had robbed them of their gold chain weighing 30 grams, one gold dollar weighing five grams, two gold finger rings

weighing four grams each, cash of Rs.16,000/- and thereafter escaped from the spot. Arrested accused were subsequently produced under body warrant in Crime No.35/2024 registered by Nuggehalli Police Station, Hassan. Except the aforesaid case, petitioners do not have any criminal antecedents. Similar is the situation in respect of all the other accused persons who have been granted regular bail by this Court in criminal petitions which are referred to hereinabove. Investigation of the case is completed and charge sheet has been filed. Trial in the case is yet to commence.

7. Under the circumstances, I am of the opinion that the prayer made by the petitioners for grant of regular bail required to be answered affirmatively. Accordingly, following order is passed:

ORDER

The criminal petitions are allowed.

The petitioners/accused Nos.1 and 6 are directed to be enlarged on bail in Crime No.189/2024 of

Channarayapatna Town Police Station, Hassan, registered for the offences punishable under Sections 311, 352, 351(2), 351(3), 310(2), 309(6) and 312 of BNS, 2023, pending on the file of learned IV Additional District and Sessions Judge, Hassan District Channarayapatna in S.C.No.213/2024, subject to the following conditions:

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

b) 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) Petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioners shall not involve in similar offences in future;

e) 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

SRT
List No.: 19 Sl No.: 14
CT:PK