NC: 2025:KHC:1234
CRL.P No. 13527 of 2024

IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 13TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.13527 OF 2024

[438(Cr.PC)/482(BNSS)]

BETWEEN:

MAHAMMED SAFWAN S/O A. ISMAIL,
AGED ABOUT 31 YEARS,
R/AT. NO. 1/4/1/2/A, ABBETTU,
BANTWAL TALUK, MERAMAJALU,
D.K. DISTRICT-574 143.

…PETITIONER

(BY SRI LETHIF B., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY BANTWALA RURAL POLICE STATION,
MANGALORE, D.K. DISTRICT,
REP. BY SPP, HIGH COURT BUILDING,
BANGALORE-560 001.

…RESPONDENT

(BY SRI M.R. PATIL, HCGP)

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO RELEASE HIM ON ANTICIPATORY BAIL IN THE EVENT OF ARREST IN CRIME NO.91/2024 OF BANTWALA RURAL POLICE STATION DAKSHINA KANNADA DISTRICT FOR THE OFFENCE PUNISHABLE UNDER SECTION 189(2), 191(2), 191(3), 352, 115(2), 118(1), 118(2), 109, 190 OF BHARTIYA NYAYA SANHITA(BNS) ACT PENDING BEFORE ADDITIONAL CIVIL JUDGE (JR.DN) AND J.M.F.C BANTWALA.

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 No.11 in the remand application arising out of Crime No.91/2024, registered by Bantwala Rural Police Station, Dakshina Kannada district, for the offences punishable under Sections 189, 191(2), 191(3), 352, 115(2), 118(1), 118(2), 109 and 190 of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS, 2023') is before this Court under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard learned counsel for the parties.

3. FIR in Crime No.91/2024 was registered by Bantwala Rural Police Station, Dakshina Kannada district for the aforesaid offences against Mansur and 13 others on the basis of the first information dated 23.10.2024 received from Sadiq S/o. Hammabba. In the FIR, petitioner was arrayed as accused No.7. During the

course of investigation, some of the accused were arrested and in the remand application, petitioner was arrayed as accused No.11. Apprehending his arrest in the said case, petitioner had filed Crl.Misc.No.994/2024 before the jurisdictional Sessions Court, which was rejected on 30.11.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that allegation against accuses Nos.7 to 13 in the FIR is similar. The petitioner has no other criminal antecedents. Accordingly, he prays to allow the petition.

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

6. Perusal of the averments found in the first information reveal that allegation of assaulting injured Taslim with weapons is only as against accused Nos.1 to 6. Accused Nos.7 to 13 allegedly had assaulted Taslim and others with their hands and legs. Accused Nos.5 and 7 in the remand application, who were arrested in the present

case have been granted regular bail by this Court in Criminal Petition No.13525/2024. In the remand application, petitioner is arrayed accused No.11 though in the FIR, he was arrayed as accused No.7. Undisputedly, the petitioner has no other criminal antecedents. He has undertaken to cooperate with the police for the purpose of investigation.

7. Under the circumstances, I am of opinion that the petitioner's prayer for grant of anticipatory bail is to be answered affirmatively. According, following order is passed:

ORDER

The petition is allowed.

The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.91/2024 registered by Bantwala Ryrak police station, Dakshina Kannada district, for the offences punishable under Sections 189, 191(2), 191(3), 352, 115(2), 118(1), 118(2), 109 and 190 of BNS,

2023, pending before the Court of Additional Civil Judge (Jr.Dn.) and JMFC, Bantwala, subject to the following conditions:

1. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless his appearance is exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witnesses and he shall co-operate with the police for investigation and appear before them whenever called upon.

4. Petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 19 Sl No.: 8
CT:PK