NC: 2025:KHC:5014
CRL.P No. 14199 of 2024

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. 14199 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

JEEVITH K
S/O HONNAPPAGOWDA,
AGED ABOUT 30 YEARS,
R/AT. KEDEKALLU,
ALETTY VILLAGE AND POST,
SULLIA TALUK – 574 239,
DAKSHINA KANNADA DISTRICT.

…PETITIONER

(BY SRI SRINIVAS V., ADVOCATE)

AND:

STATE BY SOMWARPET POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001

…RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO GRANT BAIL DIRECT THE RESPONDENT POLICE I.E., SOMWARPET POLICE TO IMMEDIATELY RELEASE HIM ON BAIL IN CC NO.474/2024 REGISTERED PURSUANT TO CRIME NO.86/2024 ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN) AND JMFC AT SOMWARPET, FOR THE ALLEGED OFFENSES PUNISHABLE UNDER SECTIONS 310(2) OF THE BHARATHIYA NYAYA SAMHITHA, 2023.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.9 in Crime No.86/2024 registered by Somwarpet Police Station, Kodagu, for the offences punishable under Section 310(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023') are before this Court seeking regular bail, under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023 (for short 'BNSS, 2023').

2. Heard the learned counsel for the parties.

3. FIR in Crime No.86/2024 was registered by Somwarpet Police Station, Kodagu, for the aforesaid offences against unknown persons on the basis of the first information dated 29.07.2024 received from one Sri. Nemaraj K.M., S/o. late Mallappa. During the course of investigation the petitioner herein was arrested on 31.08.2024 and subsequently remanded to judicial custody. The bail application filed by the petitioner before

the jurisdictional Sessions Court in Crl.Misc.No.442/2024 was rejected on 23.11.2024. Therefore, petitioner is before this Court.

4. Learned counsel for the petitioner submits that, the accused Nos.4 and 6 have been granted regular bail by this Court in Crl.P.No.12952/2024 and Crl.P.No.11218/2024. Petitioner has no other criminal antecedents and there is no recovery in the present case from the petitioner. He has been falsely implicated based on the alleged confession statement of the co-accused. Accordingly, prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition.

6. FIR in the present case was registered against six unknown persons on the basis of the first information dated 29.07.2024, received from Sri. Nemaraj K.M., In the first information it is mentioned that, on the evening of 29.07.2024 the first informant after closing his shop was

on his way to his house in his scooter along with his wife and he was carrying a bag which contained a sum of Rs.6,18,000/-, three mobile phones and a credit card. At about 8.45 p.m., a scooter in which the first informant and his wife were traveling was intercepted by the accused persons who came in a car and in a two wheeler. Allegation against accused No.8 and 9 is that they came in a two wheeler and accused No.8 allegedly threw chilly powder on the face of the first informant and the three persons who got down from the car and the petitioner herein tried to snatch the bag which the first informant had kept in his scooter. When his wife resisted their act one amongst them assaulted on her head with a steel flask and caused injuries. Thereafter, the accused persons took away the bag and escaped from the spot. Undisputedly, there is no recovery from the petitioner in the present case. The petitioner is not identified in the present case in the manner known to law. It is also not in dispute that he has no other criminal antecedents. Investigation of the case is completed and charge has been filed. The alleged

offence is not exclusively punishable with death or life imprisonment.

7. Under the circumstances, I am of the opinion that his prayer for grant of regular bail needs to be answered affirmatively. Accordingly, I proceed to pass the following:

O R D E R

The petition is **allowed**.

The petitioner is directed to be enlarged on bail in Crime No.86/2024 of Somwarpet Police Station, Kodagu, registered for the offence punishable under Section 310(2) of BNS, 2023, pending in C.C.No.474/2024 on the file of learned Prl. Civil Judge (Jr.Dn.) and JMFC Court, Somwarpeth, subject to the following conditions:

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

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

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

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

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 19 Sl No.: 4
CT:PK