NC: 2025:KHC:5470
CRL.P No. 102 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 102 OF 2025 (439(Cr.PC) / 483(BNSS))

BETWEEN:

HUSSAIN @ MOAHAMMED HUSSAIN,
S/O ZAKIR HUSSAIN,
AGED ABOUT 19 YEARS,
R/AT. 12TH CROSS MELEKOTE MAIN ROAD,
NEAR FLOOR MILL SADASHIVNAGAR,
TUMAKUR TALUK AND DIST. 572101.

...PETITIONER

(BY SRI NAIK RAMACHANDRA RAMA., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THILAK PARK POLICE STATION,
TUMAKUR,
REP. BY SPP,
HIGH COURT BUILDING,
AMBEDKAR VEEDHI,
BANGALORE-01.

...RESPONDENT

(BY SRI M.R. PATIL, 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) PRAYNG TO GRANT BAIL IN CRIME NO.112/2024 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 352, 351(2), 126(2), 109(1), 115(2), 118(1), 3(5) OF BNS (BHARATIYA NYAYA SANHITA) 2023 REGISTERED BY THILAK PARK POLICE STATION TUMAKURU TALUK ON THE FILE OF 3RD ADDL. CIVIL JUDGE AND J.M.F.C COURT TUMAKUR DISTRICT TUMAKUR.

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.1 in Crime No.112/2024 registered by Thilak Park Police Station, Tumakuru, for the offences punishable under Sections 352, 351(2), 126(2), 109(1), 115(2), 118(1) and 3(5) of the BNS, 2023, is before this Court under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.112/2024 was registered by Thilak Park Police Station, Tumakuru, for the aforesaid offences against Hasen and others on the basis of first information dated 01.11.2024 received from Suheb Ahamad S/o Ayub Ahamad. During the course of investigation of the case, petitioner herein was arrested on 08.11.2024. Bail petition filed by the petitioner before the jurisdictional Sessions Court in Crl.Misc.No.1740/2024 was rejected on 23.11.2024. Therefore, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner is a youngster aged about 19 years having no criminal antecedents. Investigation in the case is completed and charge sheet has been filed. Accused No.7 has been granted regular bail by this Court in Crl.P.No.13037/2024. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition. He submits that victim has suffered grievous injuries. Accordingly, he prays to dismiss the petition.

6. The material on record would go to show that the first informant in the present case is the injured and in the first information, it is alleged that accused No.1 had assaulted him with a Sickle and caused injuries on his left hand. Learned HCGP has brought to the notice of this Court that as a result of the assault, the first informant has suffered three injuries out of which, two injuries are simple in nature and one injury is grievous in nature, which is a fracture injury. Undisputedly, injured has been discharged from the Hospital and his condition is stable. Investigation in the case is completed and charge sheet has been filed. Petitioner is aged about 19 years and is in

custody from 08.11.2024. He has no other criminal antecedents. Under the circumstances, I am of the opinion that his prayer for grant of regular bail needs to be answered affirmatively. Accordingly, the following order:-

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.112/2024 registered by Thilak Park Police Station, Tumakuru, for the offences punishable under Sections 352, 351(2), 126(2), 109(1), 115(2), 118(1) and 3(5) of the BNS, 2023,, 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

DN
List No.: 19 Sl No.: 11